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# JOURNAL

OF THE

## HOUSE OF REPRESENTATIVES

OF THE ELEVENTH GENERAL ASSEMBLY

OF THE

STATE OF ILLINOIS,

AT THEIR FIRST SESSION, BEGUN AND HELD IN THE TOWN OF VANDALIA,

DECEMBER 3, 1838.

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VANDALIA, ILL.

WILLIAM WALTERS, PUBLIC PRINTER.

1838.

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# JOURNAL

OF THE

## HOUSE OF REPRESENTATIVES.

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At a General Assembly of the State of Illinois, begun and held, in pursuance of the Constitution, at Vandalia, on Monday, the third day of December, in the year of our Lord one thousand eight hundred and thirty-eight, the following members appeared, were qualified, and took their seats, viz:

From the county of Alexander—HENRY L. WEBB.

From the county of Union—JACOB ZIMMERMAN.

From the county of Pope—JOHN W. READ.

From the county of Johnson—JAMES COPELAND.

From the county of Gallatin—TARLTON DUNN.

From the county of Hamilton—MILTON CARPENTER.

From the county of Franklin—WILLIS ALLEN and ALLEN BAINBRIDGE.

From the county of Jackson—JOHN LOGAN.

From the county of Perry—RICHARD G. MURPHY.

From the county of Washington—JOHN CRAIN.

From the county of White—EDWIN B. WEBB and ALEXANDER PHILIPS.

From the county of Edwards—ALLAN EMMERSON.

From the county of Wayne—JEFFREY ROBINSON.

From the county of Wabash—EDWARD SMITH.

From the county of Lawrence—JESSE K. DUBOIS.

From the counties of Crawford and Jasper—JOHN HOUSTON.

From the county of Edgar—**AUGUSTUS C. FRENCH** and **ROBERT Mc-MILLAN**.

From the county of Coles—**ORLANDO B. FICKLIN** and **JAMES T. CUNNINGHAM**.

From the county of Clark—**WILLIAM B. ARCHER**.

From the county of Vermilion—**ASA ELLIOTT**, **JOHN H. MURPHY** and **ISAAC P. WALKER**.

From the county of Madison—**WILLIAM OTWELL**, **ROBERT SMITH** and **GEORGE SMITH**.

From the county of St. Clair—**JOHN THOMAS**, **WILLIAM W. ROMAN** and **VITAL JARROT**.

From the county of Monroe—**EDWARD T. MORGAN**.

From the county of Randolph—**GABRIEL JONES** and **EDMUND ME-NARD**.

From the county of Jefferson—**HARVEY T. PACE**.

From the county of Clinton—**JOSEPH HUEY**.

From the county of Marion—**HARDY FOSTER**.

From the county of Bond—**BENJAMIN JOHNSON**.

From the county of Montgomery—**JOSIAH FISK**.

From the counties of Fayette and Effingham—**WILLIAM LEE D. EWING** and **WILLIAM J. HANKINS**.

From the county of Shelby—**WILLIAM F. THORNTON**.

From the county of Greene—**JOHN ALLEN**, **REVILL W. ENGLISH** and **EDWARD M. DALEY**.

From the counties of Calhoun and Greene—**JOHN GREEN**.

From the county of Macoupin—**JOHN HARRIS**.

From the county of Morgan—**NEWTON CLOUD**, **JOHN HENRY**, **WILLIAM W. HAPPY**, **JOHN J. HARDIN** and **WILLIAM GILHAM**.

From the county of Cass—**WILLIAM HOLMES**.

From the county of Sangamon—**ABRAHAM LINCOLN**, **JOHN DAWSON**, **WILLIAM F. ELKIN**, **JOHN CALHOUN**, **EDWARD D. BAKER**, **NINIAN W. EDWARDS** and **ANDREW McCORMICK**.

From the county of Tazewell—**WILLIAM S. MAUS** and **ALDEN HULL**.

From the county of McLean—**JOHN MOORE** and **CHENEY THOMAS**.

From the county of Macon—**JESSE WILSON GOUGE**.

From the county of Adams—**WILLIAM G. FLOOD** and **ARCHIBALD WILLIAMS**.

From the county of Pike—**JAMES McWILLIAMS**.

From the county of Schuyler—**JOHN BROWN** and **JESSE M. McCUTCHEEN**.

From the county of Fulton—**JONAS RAWALT** and **NEWTON WALKER**.

From the county of McDonough—**WILLIAM EDMONSTON**.

From the county of Hancock—**MARK ALDRICH**.

From the counties of Warren, Knox and Henry—**WYATT B. STAPP**.

From the counties of Cook, Will and McHenry—**JOSEPH NAPER**, **GHOLSON KERCHEVAL** and **RICHARD MURPHY**.

From the counties of La Salle, Kane, De Kalb, &c.—**JOSEPH W. CHURCHILL**.

From the county of Iroquois—**LOUIS ROBERTS**.

From the counties of Putnam and Bureau—**WILLIAM H. HENDERSON**.

From the county of Peoria—**WILLIAM COMPIER**.

From the counties of Jo Daviess, Mercer, Rock Island, Stephenson, Ogle and Winnebago—JAMES CRAIG and GERMANICUS KENT.

Robert Smith, a representative from the county of Madison, called the House to order; and,

On motion of Mr. Flood,

Newton Cloud was appointed Speaker *pro tempore*; David Prickett was appointed Clerk *pro tempore*; and William C. Murphy Doorkeeper *pro tempore*.

On motion of Mr. Murphy, of Perry,

The House proceeded to the election of Speaker, and upon the vote being taken, William Lee D. Ewing had forty-one votes, Abraham Lincoln had thirty-eight votes, Henry L. Webb had three votes, John Calhoun had two votes, and Richard G. Murphy had one vote.

Those who voted for Mr. Ewing, are,

Messrs. Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Crain, Daley, Edmonston, English, Fisk, Flood, Foster, French, Gouge, Green of Greene, Hankins, Happy, Harris, Houston, Huey, Johnson, Kercheval, Logan, McWilliams, Maus, Moore, Murphy of Cook, Murphy of Perry, Naper, Pace, Robinson, Roman, Robert Smith, Smith of Wabash, Thornton, Walker of Vermilion, and Zimmerman—41.

Those who voted for Mr. Lincoln, are,

Messrs. Aldrich, Archer, Baker, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Emmerson, Ficklin, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrot, Jones, Kent, McCormick, McCutchen, McMillan, Menard, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, George Smith, Stapp, Thomas of McLean, Walker of Fulton, Webb of White, and Williams—38.

Those who voted for Mr. Webb, are,

Messrs. Copland, Lincoln, and Morgan—3.

Those who voted for Mr. Calhoun, are,

Messrs. Ewing, and Thomas of St. Clair—2.

Mr. Webb of Alexander voted for Mr. Murphy of Perry.

No person having received a majority of all the votes given, a second vote was taken, when, the result was the same as the last.

A third vote was then taken, when, Mr. Ewing received forty-one votes, Mr. Lincoln thirty-four votes, Mr. Murphy of Perry, one vote, Mr. Webb of Alexander, six votes, Mr. Williams one vote, and Mr. Calhoun one vote.

Those who voted for Mr. Ewing, are,

Messrs. Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Crain, Daley, Edmonston, English, Fisk, Flood, Foster, French, Gouge, Green of Greene, Hankins, Happy, Harris, Houston, Huey, Johnson, Kercheval, Logan, McWilliams, Maus, Moore, Murphy of Cook, Murphy of Perry, Naper, Pace, Robinson, Roman, Robert Smith, Smith of Wabash, Thornton, Walker of Vermilion, and Zimmerman—41.

Those who voted for Mr. Lincoln, are,

Messrs. Aldrich, Archer, Baker, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Elliot, Emmerson, Ficklin, Gilham, Henderson,

Holmes, Hull, Jarrot, Kent, McCormick, McCutchen, McMillan, Menard, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, George Smith, Thomas of McLean, Walker of Fulton, Webb of White, and Williams—34.

Those who voted for Mr. Webb of Alexander, are,

Messrs. Copland, Hardin, Henry, Jones, Lincoln, and Morgan—6.

Mr. Ewing voted for Mr. Calhoun, Mr. Stapp for Mr. Williams, and Mr. Webb of Alexander for Mr. Murphy of Perry.

No person having yet received a majority of all the votes given, the House adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Dawson,

Mr. Thomas C. Kirkman was appointed Assistant Clerk *pro tempore*.

The House then again proceeded to the election of Speaker, when Mr. Ewing received forty-three votes, Mr. Lincoln thirty-eight votes, Mr. Webb of Alexander received two votes, Mr. Calhoun one vote, and Mr. Murphy of Perry one vote.

Those who voted for Mr. Ewing, are,

Messrs. Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Crain, Daley, Edmonston, English, Fisk, Flood, Foster, French, Gouge, Green of Greene, Hankins, Happy, Harris, Houston, Huey, Johnson, Kercheval, Logan, McWilliams, Maus, Moore, Morgan, Murphy of Cook, Murphy of Perry, Naper, Pace, Robinson, Roman, Robert Smith, Smith of Wabash, Thomas of St. Clair, Thornton, Walker of Vermilion, and Zimmerman—43.

Those who voted Mr. Lincoln, are,

Messrs. Aldrich, Archer, Baker, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Emmerson, Ficklin, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrot, Jones, Kent, McCormick, McCutchen, McMillan, Menard, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, George Smith, Stapp, Thomas of McLean, Walker of Fulton, Webb of White, and Williams—38.

Messrs. Copland and Lincoln voted for Mr. Webb of Alexander, Mr. Ewing for Mr. Calhoun, and Mr. Webb of Alexander for Mr. Murphy of Perry.

Mr. Ewing having received a majority of all the votes given, was declared duly elected Speaker of the House of Representatives, and was conducted to the chair by Messrs. Craig and Naper.

On motion of Mr. Moore,

The House then proceeded to the election of Principal Clerk; and upon the vote being taken, David Prickett received sixty-eight votes, and Matthew Gillespie sixteen votes.

Those who voted for Mr. Prickett, are,

Messrs. Aldrich, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copeland, Craig, Crain, Cunningham, Daley, Dunn, Edmonston, Elkin, Elliott, Emmerson,



English, Ficklin, Fisk, Flood, Foster, French, Gouge, Green of Greene, Hankins, Happy, Harris, Henderson, Houston, Huey, Hull, Jarrot, Johnson, Jones, Kent, Kercheval, Logan, McCutchen, McMillan, McWilliams, Maus, Moore, Morgan, Murphy of Cook, Murphy of Perry, Murphy of Vermillion, Naper, Pace, Philips, Rawalt, Robinson, Roman, Robert Smith, Smith of Wabash, Stapp, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Fulton, Walker of Vermilion, Webb of Alexander, Zimmerman, and Mr. Speaker—68.

Those who voted for Mr. Gillespie, are,

Messrs. Baker, Dawson, Dubois, Gilham, Hardin, Henry, Holmes, Lincoln, McCormick, Menard, Otwell, Read, Roberts, Geo. Smith, Webb of White, and Williams—16.

Mr. Edwards voted a blank.

Mr. Prickett having received a majority of all the votes given, was declared duly elected Clerk of the House of Representatives.

On motion of Mr. Rawalt,

The House then proceeded to the election of Enrolling and Engrossing Clerk; and upon the vote being taken, Joseph R. Loveless received forty-three votes, and Ebenezer Zane Ryan, forty-two votes.

Those who voted for Mr. Loveless, are,

Messrs. Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copeland, Daley, Edmonston, English, Fisk, Flood, Foster, French, Gouge, Green of Greene, Hankins, Happy, Harris, Houston, Johnson, Kercheval, Logan, McWilliams, Maus, Moore, Morgan, Murphy of Cook, Murphy of Perry, Naper, Pace, Roberts, Robinson, Roman, Robert Smith, Thomas of St. Clair, Walker of Vermilion, Webb of Alexander, Zimmerman, and Mr. Speaker.—43.

Those who voted for Mr. Ryan, are,

Messrs. Aldrich, Archer, Baker, Craig, Crain, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Emmerson, Ficklin, Gilham, Hardin, Henderson, Henry, Holmes, Huey, Hull, Jarrot, Jones, Kent, Lincoln, McCormick, McCutchen, McMillan, Menard, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Geo. Smith, Smith of Wabash, Stapp, Thomas of McLean, Thornton, Walker of Fulton, Webb of White, and Williams—42.

Mr. Loveless having received a majority of all the votes given, was declared duly elected Engrossing and Enrolling Clerk.

On motion of Mr. Edmonston,

The House then proceeded to the election of Doorkeeper; and upon the vote being taken, William C. Murphy received fifty-six votes, Morgan L. Payne twelve votes, John Fisher nine votes, — McCassel four votes, Abner Johnson three votes, and John W. Coventry one vote.

Mr. Murphy having received a majority of all the votes given, was declared duly elected Doorkeeper.

On motion of Mr. Hardin,

*Resolved*, That the rules established by the House of Representatives for its government at the last session of the Legislature, be adopted for the government of this House, until altered or amended.

On motion of Mr. Murphy of Vermilion,

*Resolved*, That the Clerk inform the Senate that the House of Representatives have met, formed a quorum, elected Wm. Lee D. Ewing their

Speaker, David Prickett their Clerk, Joseph R. Loveless their Engrossing and Enrolling Clerk, and William C. Murphy their Doorkeeper; and that they are now ready to proceed to legislative business.

And then the House adjourned until to-morrow morning, 10 o'clock.

## TUESDAY, DECEMBER 4, 1838.

House met pursuant to adjournment.

James H. Lyons, a representative from the county of Champaign, appeared, was qualified, and took his seat.

Mr. Cloud proposed for adoption the following resolution, viz:

*Resolved by the House of Representatives,* That the Clerk be authorized to call to his assistance any competent person he may think proper, to assist him in the discharge of his duties.

Mr. Murphy of Vermilion moved to amend the resolution by striking out all after the word "Resolved," and insert the following:

"That the House now proceed to the election of Assistant Clerk to aid the Principal Clerk in the discharge of his duties."

Mr. Moore called for a division of the question.

The question was then taken upon striking out, and decided in the affirmative by yeas and nays, as follows, upon the call of Messrs. Murphy of Vermilion, and Williams, to wit:

Those who voted in the affirmative, are,

Messrs. Aldrich, Archer, Baker, Churchill, Copland, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Emmerson, Ficklin, Gilham, Gouge, Hardin, Henderson, Henry, Holmes, Hull, Jarrot, Johnson, Jones, Kent, Lincoln, Lyons, McCormick, McCutchen, McMillan, Menard, Murphy of Cook, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, Smith of Wabash, George Smith, Stapp, Thomas of McLean, Thornton, Walker of Fulton, Webb of Alexander, Webb of White, and Williams.—48.

Those who voted in the negative, are,

Messrs. Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Cloud, Compher, Crain, Daley, Edmonston, English, Fisk, Flood, Foster, French, Green of Greene, Hankins, Happy, Harris, Houston Huey, Kercheval, Logan, McWilliams, Maus, Moore, Morgan, Murphy of Perry, Napier, Pace, Robinson, Roman, Robert Smith, Thomas of St. Clair, Walker of Vermilion, Zimmerman, and Mr. Speaker.—38.

The resolution as amended was then adopted.

The House then proceeded to the election of Assistant Clerk; and upon the vote being taken, Ebenezer Zane Ryan received forty-five votes, and Samuel S. Brooks forty-one votes.

Those who voted for Mr. Ryan, are,

Messrs. Aldrich, Archer, Baker, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin Elliott, Emmerson, Ficklin, Gilham, Hardin, Henderson, Henry, Holmes, Houston, Hull, Jarrot, Johnson, Jones, Kent, Lincoln, Lyons, McCormick, McCutchen, McMillan, Menard, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, Smith of Wabash, Geo.

Smith, Stapp, Thomas of McLean, Thornton, Walker of Fulton, Webb of Alexander, Webb of White, and Williams—45.

Those who voted for Mr. Brooks, are,

Messrs. Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copland, Crain, Daley, Edmonston, English, Fisk, Flood, Foster, French, Gouge, Green of Greene, Hankins, Happy, Harris, Huey, Kercheval, Logan, McWilliams, Maus, Moore, Morgan, Murphy of Cook, Murphy of Perry, Naper, Pace, Robinson, Roman, Robert Smith, Thomas of St. Clair, Walker of Vermilion, Zimmerman, and Mr. Speaker—41.

Mr. Ryan having received a majority of all the votes given, was declared duly elected Assistant Clerk.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* The Senate have directed me to inform the House of Representatives that they have met, organized, elected Benjamin Bond Secretary, William Moore Enrolling and Engrossing Clerk, and Levin Lane Sergeant-at-arms.

The Senate have also adopted the following resolutions, in which they ask the concurrence of the House of Representatives:

*Resolved by the Senate and House of Representatives,* That the Joint Rules adopted by the two Houses at the last session be again adopted until otherwise ordered.

*Resolved by the Senate and House of Representatives,* That a joint select committee of two from the Senate, and three from the House of Representatives, be appointed to wait on the Governor, to inform him that the two Houses of the General Assembly of the State of Illinois have met and organized, and are ready to receive any communication which he may wish to make.

*Resolved by the Senate and House of Representatives,* That both Houses of the General Assembly will meet in the Representative Hall on Wednesday, the 5th inst. at two o'clock, P. M., and then canvass the returns for Governor and Lieutenant Governor of the State of Illinois.

I am also directed to inform the House, that Messrs Gatewood and Harrison have been appointed the committee on the part of the Senate, to wait upon the Governor in conformity with the resolutions for that purpose. And then he withdrew.

The resolutions contained in the foregoing message were read and concurred in, and Messrs. Hardin, Williams, and Webb of White, appointed the committee on the part of the House, to wait upon the Governor, &c.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Webb of White moved that the House adjourn until 2 o'clock, P. M., which was not agreed to.

The Speaker laid before the House certain documents in relation to a contested election in Edwards county; which were,

On motion of Mr. Cloud,

Laid upon the table.

On motion of Mr. Cloud,

*Resolved by the House of Representatives,* That a select committee of seven be appointed to prepare and report rules for the government of this House during the present session of the General Assembly.

*Ordered*, That Messrs. Cloud, Henderson, Webb of White, Murphy of Perry, Lincoln, Flood, and Moore, be that committee;  
And then the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Hardin, from the joint select committee appointed to wait on the Governor, reported that, in compliance with the order of the two Houses, they had fulfilled that duty, and were informed by the Governor that he would transmit to them, at 2 o'clock, a written communication.

A message from the Governor, by A. P. Field, Esq. Secretary of State, was received and read, and is as follows:

*Fellow-Citizens of the Senate,  
and House of Representatives:*

On retiring from office, were I to consult my own feelings, I should simply take leave of you and my fellow citizens, generally, by an attempt to express that gratitude which I sincerely and most deeply feel, for the generous confidence so repeatedly reposed in me, and by offering an apology for the unsatisfactory manner, to myself, at least, in which I have discharged its high and responsible duties, and leave all suggestions for your deliberations to my worthy successor, in whose abilities and disposition to serve the State faithfully and efficiently, I have, and I doubt not you all have, the fullest confidence. But custom and duty require a different course. I therefore proceed to lay before you, very briefly, my views on several subjects that will probably claim a share of your deliberations during the present session.

In relation to the impolicy of our system of Internal Improvement, my mind has undergone no change as expressed in my objection to the passage of the act, and my recommendation of its repeal at the called session of July, 1837. Indeed, if I could then have doubted the evils threatened by this measure, which I did not, experience has now sufficiently shown that all my objections to it must in time be fully realized; and I doubt not, from facts observable by all, that many of those who have most zealously supported the system, begin already to question its propriety. How to correct this mistake, and get rid of the evils with which we are threatened by this improvident act, without too great a sacrifice of public or private interests, is a subject which should, and I doubt not, will occupy your serious and patriotic deliberations, in the proper adjustment of which all should rise above every narrow and selfish view, looking alone to the interest and prosperity of the whole State. That there should have been many mistakes committed, and much waste of public money, in conducting a system of internal improvements on so large a scale, in a country almost entirely destitute of skill and experience in such works, was to have been expected. But I confess they have occurred to an extent never anticipated by myself—and whether by mistake or design, it is very manifest that large sums have been squandered on objects of little or no general utility, and in some cases to the detriment

of the public interest. My chief objections to the passage of this bill, it will be remembered, were the effects I anticipated it would have on the purity of elections, and the action of the Legislature. The short time that has elapsed has fully verified the soundness of those objections; and when the whole system shall have been completed, and thousands of officers, engineers, agents and laborers, shall have the same common interest in sustaining or opposing any measure which may affect their pay or pecuniary interests, they will not only, as was the case at the last called session, have representatives in your Legislature, but will be here in numbers sufficient, openly or covertly, legally or illegally, to control its action. The want of economy, and the deleterious effect of such a system, owned, controlled and carried on by the State, are great and insurmountable objections to it; but, in my opinion, not so great, because not of such duration, as the power it confers on the State Government, through its numerous officers and dependants, to influence elections and legislation.

Government in the United States was instituted for the benefit of the whole people—each citizen forming an independent pillar, and all equally supporting the grand fabric, which is the Constitution and laws made by their own hands. The officers created to administer its affairs require no patronage, or power, to sustain their authority or influence over the people, and should have no more given them than is indispensably necessary to a just and efficient discharge of their official duties. To confer a greater power than this on any office or department, of a republican or democratic government, is a violation of good sense and sound discretion—an error which it is feared may prove the destruction of our free and happy institutions. Recent events, even in our own country, have shown that power is never satiated, and confirms the experience of other times, that it “is gradually stealing from the many to the few.” If, therefore, we would preserve our liberties, it should become a fixed principle, that our Government should be clothed with no other authority than is necessary to make, administer and execute the laws. It should have nothing to do with carrying on large plans of Internal Improvement, or any other schemes, which shall of necessity confer upon it, or any of its departments, powers and duties better suited to a bloated monarchy than a plain republican people. I therefore again recommend that all such works of improvement be left in the hands of the citizens of the State, or to corporations created by law; and that the Government have as little to do with them as possible, except to encourage all such undertakings by an equal and liberal subscription for their stock.

For the accomplishment of those, and all objects which require the combination of capital, I would recommend the passage of a general incorporation act, so that the funds belonging to widows and orphans, the imbecile and aged, who are unable to employ them in business, may have the opportunity of using them for the improvement of the country, and thereby receive advantage, while they confer a benefit on the whole community. I would recommend this measure for the further reason that, by limiting the number of appointments, it will prove an antidote to the schemes of those designing politicians who are making war upon every corporation for the purpose of concentrating all power in the hands of Government.

Should it be thought best, however, to continue the present system of Internal Improvement, I would respectfully suggest the propriety of making it the duty of the Engineer to survey and locate all roads, subject to the revision of the Board of Public Works, and not to make such survey and location in obedience to the dictation of any member of the Board; and, also, to require the Engineers to be appointed by sanction of the Board, and not to be removed without its consent, except in cases where their services may not be required. Also, of providing for some just, equal, and uniform mode of obtaining the right of way on the several proposed railroads, which might be accomplished by the appointment of three Commissioners for each district; also, so to amend the present act as to enable the courts to punish offences committed under it.

The United States Executive, following the example of the arbitrary governments of the old world, has become a mere political or electioneering establishment, to furnish places, out of which their partizan friends can make fortunes—an influence which is now sweeping every thing within its vortex; making the most important measures, as well as the most trifling elections of the States, to turn upon national politics. The great and growing patronage and power of the Executive Department of the National Government now enable the President to confer higher offices with greater honors and pay, with a single exception, than are in the gift of the people themselves. Governors and ex-Governors, Senators and Representatives in Congress, solicit, and feel honored by receiving, second-rate appointments under it. This patronage has been, and is now, notoriously used to influence State elections, and secure supporters for the late and present administration—a power that is becoming more and more extensive every day. At first, the public officers were but a few hundred; now, they number many thousands. They were formerly appointed for their qualifications to serve the public—they are now appointed to obey and serve their party leaders. Formerly, they relied upon their good conduct and fidelity to the public, for continuance in office; now their subservience to “the party” is the most important requisite.

Formerly, the public officers, acting under regulations of law alone, were checks upon one another; now, under the dictation of the Government, they act as a “unit;” and it is notorious that many of the subordinate collectors who are active supporters of the party, have squandered the public money, with the perfect knowledge of the Executive; and those officers designed by law to hold them in check, in place of doing their duty, have concealed the facts from the people under circumstances which leave no doubt of the motive. Formerly the public officers were not permitted to become active politicians, for the purpose of influencing elections in the States, and were left to vote and speak like freemen; now, from the President down, they are all active politicians, wielding the influence of office, the power of money and the press to sustain themselves. Under the proscriptive and arbitrary policy of the Executive Government, the public officer loses his independence of action and of speech, the most essential attribute of liberty. It is a maxim, that he who enslaves a citizen is a tyrant, and if so, those who permit it, cannot long expect to retain the name of freemen. If the policy

of this administration were to stop here, it would not be surprising to hear the deep murmuring of the people from every quarter against the abuse of its power and patronage.

But, in addition to this, which of itself is almost too much for the people, the same administration has continued, for about nine or ten years, one uniform grasp after additional patronage; (a thing which belongs only to ambitious tyrants, to reward the servility of their dependants; a word and principle which should be scowled by every freeman in our country,) until it has now become exceedingly doubtful whether they are not able to sustain themselves in authority, in defiance of the people. How to remedy those evils, and quiet their murmurings and apprehensions, should be a serious subject of enquiry with you and every reflecting citizen in our country, without distinction of party; for, when the ocean heaves, there is no certainty whose bark will be able to ride successfully upon its troubled waves. We have seen that Congress, left to its own action, is not to be relied upon. For its members are too deeply interested in sustaining and increasing a patronage, which hundreds of them look to for the consummation of their highest ambition. To such a degree is this the fact, that it has become a common occurrence for members of Congress to make their places mere stepping stones to higher office; which is now done with perfect assurance, if by servility to the Executive, or by the abandonment of principle and duty, they lose their popularity at home, that the Government will take care of them. To use the popular phrase, the President never neglects those who are crippled in his service.

With such evidences before me, I can see no hope of reform, but for the Legislatures of the different States to instruct their Senators, and the people their Representatives in Congress, to vote for all measures to reduce the Executive patronage, the receipts and expenditures of Government, and to prohibit the removal of public officers on party grounds, or for any cause without assigning a reason to the Senate for such removal: to prohibit members of Congress from receiving appointments from the Executive of the United States for at least two years after the expiration of the time for which they may have been elected; and to prohibit, under severe penalties, any officer of the United States Government from persuading, bribing or otherwise influencing voters at elections; from conducting a newspaper press; from bribing or influencing any editor of a paper to support any political party, or contributing money for either of the before named purposes: those powers form the great lever with which the Executive is now controlling the politics and elections of the whole country. Correct them, and all other abuses, great as they are, will become comparatively harmless; and the Government, which now, like a mighty river, has overflowed the whole land, will sink quietly within its limits, and aspiring men will once more rely upon patriotism, virtue, and talents, to secure those places of honor which every citizen of our country should, and under such circumstances would, become ambitious to receive.

The work on the Illinois and Michigan canal has progressed as rapidly as could have been expected. \$144,292 have been received by the Canal Commissioners on account of lots and lands sold. \$500,000 of State bonds were sold in 1836 and 1837, in New York at 5 per cent. premium;

and \$500,000 have recently been sold in this State to the State Bank of Illinois at par; of which sums, all except \$10,591 61, have been paid over to the Canal Commissioners, which balance remains on deposit in the State Bank of Illinois, subject to the order of my successor. In anticipation of the Commissioners' report, which I am informed will not be ready before the 20th instant, I am authorized to say that all of the summit division lying between Chicago and Lockport, all of the lower division extending to La Salle from Marseilles, and that part of the middle division from Lockport to Dresden, are under contract, together with all locks, aqueducts, dams, culverts, &c., leaving only that part of the line (23 miles) between Dresden and Marseilles yet to be let; composed chiefly of light and cheap work. The work under contract will amount to about seven and a half millions, and is progressing well. Several sections on the lower division are completed, and all others have so far progressed as to establish their entire practicability, and show that they will be finished at less than the original estimates of the board. The gross expenditures are about \$1,400,000, the principal part of which have been made in the last year. With proper appropriations, the board are confident that the canal can be finished early in the summer of 1844, and they are just as confident that the lands, if not passed into market, will build the canal. Provision for further means to carry on this work will be a subject for your early consideration, and I most earnestly recommend it to your fostering care. Considering the canal now, as I ever have considered it, a national highway, to be kept as free as the waters of the Mississippi or St. Lawrence, and that the nation stands pledged to furnish the entire means for its completion, I would again recommend that such additional loans be made as may be required for immediate purposes, to be replaced out of the sale of lands, and if the lands already granted shall not produce a fund sufficient to make the canal, to apply to Congress for further appropriations; and with this view I would again respectfully suggest the importance of keeping Congress and the Executive branch of the General Government regularly informed of the progress and expenses of the work, as it will be seen by reference to a report made by the unanimous vote of the standing committee on roads and canals, in the House of Representatives in Congress, on the 25th of June, 1834, on an application for further aid to enable the State of Illinois to construct a steamboat canal from lake Michigan to the Illinois river, and from the articles of cession and the ordinance of 1787, Congress and the nation stand committed to furnish the entire means for completing this canal. (See Doc. No. 356.) Said report concludes as follows:

"For the reason that no estimates have been made of the probable cost of this work, further aid from the United States towards the construction of this interesting communication, should be deferred till such an examination and estimates be made, and a plan adopted by the State of Illinois for construction of its necessary works. When the plan shall have been fixed and presented to the consideration of Congress, there can be no doubt that, if approved by them, additional aid will be afforded to an enterprise of such national importance."

The Banks of our State, as well as those in most of our sister States, since the rejection of the Government Sub-Treasury scheme by Congress, have resumed specie payments, and are fully entitled to the public applause and confidence they are now enjoying, for the prudence and judg-



ment they have used in sustaining themselves, under difficulties of so threatening a nature. The subjects of Banking and Credit are now undergoing a severe scrutiny in this country; and it is but reasonable to suppose that such investigation, though obscured by party prejudice, may result in something beneficial to our country; and while the public mind is thus engaged, I beg leave to present for your consideration a proposition submitted in my message in 1836, the object of which (without touching the subject of Banking now in existence, or that of a National Currency) was, if practicable, to increase the investment of capital in our State, and at the same time to produce a sound and efficient credit system, by the State furnishing (without becoming in anywise responsible for their payment,) scrip or notes of a uniform description for the full amount of all sums which any individual or companies may actually invest in loans at 6 per cent. for five or more years, to be secured by mortgage on real estate; which scrip or notes to contain on their face, authentic evidence of the funds pledged for their redemption, and to be used at the discretion of the holder, as a circulating medium, and redeemable in specie according to promise, under heavy penalties, and the mortgaged premises to be held bound for their ultimate payment. I doubt not, a system may be formed by an act of this kind, with proper details, which would, by making this scrip an available stock, as well as to answer for a circulating medium, induce capitalists and others holding money in or out of the State to loan it to our citizens for a long period, at low rates of interest, and at the same time furnish a system of credit, based upon the most perfect possible security—which would invite capitalists from abroad—put all the dormant funds now in the country into active use, and at once, for all practical purposes, double the amount thus invested, and so classify the monetary operations of the State as to furnish permanent loans to the farmer and mechanic for improvement, and the temporary use of money to the merchant and trader.

Reclaiming the wet and overflowed lands of the river bottoms of this State, especially the Mississippi, Illinois and Wabash, for the purpose of promoting health and reducing them to cultivation, is a subject of much interest, and one that I would recommend to your consideration; at least so far as to solicit the aid of Congress, either by appropriation or a donation of the unsold lands within, and adjoining to, said bottoms, to assist in accomplishing the work, in which the United States have an equal interest with this State. The rapidly increasing commerce on those rivers requires an immediate improvement of their channels; and as the United States are bound to keep them open, by an agreement with Virginia, in the articles of cession, and with the Governments of Ohio, Indiana and Illinois, in the following article of the ordinance of 1787, which was required to be made a part of the constitution of those States; to wit: "ARTICLE 4. The navigation of the waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways and forever free, as well to the inhabitants of said territory as to the citizens of the United States and those of any other States that may be admitted into the confederacy, without any tax, impost or duty therefor;" and as those two rivers, the Wabash and Illinois, are recognized to be the waters alluded to, and the United States have provided for improving the carrying places between them and the lakes,

there can be no doubt, when properly informed of the importance and necessity of such improvements, that the United States Government will act in good faith, and immediately cause every obstruction to be removed from their channels. I would therefore recommend that the subject be laid before Congress at its present session.

The passage of an efficient road law, which would not only open and improve, but render the public highways permanent and straight, is greatly desired, and would be a measure of general utility. A mineralogical and agricultural survey of the State could not but be attended with the most favorable results; and I doubt not, the former would develop new sources of wealth to our enterprising citizens, while the latter would exhibit a variety of valuable productions, which our best informed farmers have no knowledge that either our climate or infant settlement are capable of producing.

A well arranged and properly disciplined Militia gives to a free people the confidence of a strong man;—if neglected, confusion and dismay will be the consequence at every appearance of danger. Too much attention, therefore, cannot be bestowed upon this subject, and I would suggest the propriety of offering additional inducements for raising and equipping independent companies, and of requiring, under the severest penalties, the strict performance of military duty by every qualified citizen of a suitable age. It is a tribute which we must expect to pay for the enjoyment of our liberty, and it is the only means of preventing the establishment of a large, expensive and dangerous standing army, by the National Government. For when the people cease to protect themselves, it is only natural that the Government should take them under its care.

While I should be the last man in our country to advise any improper or illegal increase of executive authority, I would respectfully recommend that this department of our State Government be invested with all the appointments and responsibilities which were conferred upon it by the Constitution, and which have been assumed by the Legislature, not only because it is due to the majesty of the law, but on account of the responsibility of the Executive to the whole people, and his more general acquaintance with them, which qualifies him pre-eminently for the discharge of such duties; and it is an absurdity, in my opinion, for a legislative body consisting of so many members, whose duty it is to make laws, to assume the powers and responsibility of electing officers for counties and districts in which the majority of them have no acquaintance, and to the inhabitants of which they owe no responsibility; and especially is it unwise for a Legislature to consume its time, and distract its deliberations, with elections which properly belong to another department.

Every possible encouragement should be given to institutions of learning, whether the common school or college; they are the corner stones of our free Government. Education is the foundation of every enjoyment of man in this world, and of hope of blessing in the world to come;—and I am happy to say that our own State already exhibits some of the improvements in schools and modes of instruction, which so peculiarly distinguish the present age.

It will be found that the present revenue is altogether inadequate to the expenditures of the State, and has been so for a number of years, until the Legislature have appropriated for the current expenses of the State

Government \$719,784 61, of the School Fund, which should be replaced as early as practicable, and the future support of Government be provided for by an increase of the taxes, which may be very small, as the amount of taxable land is rapidly increasing.

The \$2,000,000 of stock in the State Bank of Illinois, and \$1,000,000 in the Bank of Illinois, which was authorized to be subscribed, has been taken, and the State bonds for three millions have been executed and delivered to the Fund Commissioners for that purpose. State bonds to the amount of \$2,204,000 have also been sold by the Fund Commissioners, on account of Internal Improvement, and \$1,000,000 has been issued and sold on account of the Illinois and Michigan canal; \$417,919 14 has been received on deposit from the United States out of its surplus revenue, (\$364,192 29 of which sum was, however, appropriated to and forms a part of the School Fund;) these sums together with the \$719,784 61 of the School Fund, and the sum of \$19,009 25 deficiency in the Treasury, on the 1st day of December, constitute the debt, by the State, and amount in the whole to \$6,558,601 57.

The dreadful ravages and baneful effects of intemperance are felt and acknowledged in our whole country. Christians, philanthropists, and statesmen, not only of this, but every part of the civilized world, are now engaged in exposing the extent and evils of this degrading and most alarming vice; and some of our sister States have undertaken, by legislative provision, to eradicate the evil from among them; and I would most respectfully and earnestly recommend the subject as one worthy of your serious consideration.

In taking leave of you, gentlemen, allow me to offer the assurances of my sincere good wishes and friendly feelings for every one of you, as well as for each of your predecessors. The violence with which I have been assailed by my political opponents, during the whole time I have been in office, has caused no rankling in my bosom. The plain manner in which I have felt it my duty to speak of what I sincerely believed to be the errors and abuses of the party now in power, I well knew, would bring their vengeance with all its force upon me; and had I loved ease and office more than my duty, I should have chosen a very different course. But I owe too strong a debt of gratitude to the people of Illinois, and hold the constitution and freedom of the country in too much esteem, ever to shrink from the discharge of any duty which their honor, interest, or safety, require of me.

In conclusion, allow me, gentlemen, to remind you of our obligations to Divine Providence, for the unusual share of health and for the abundant crops and improvements with which our State has been blessed during the last and present years. To secure a continuance of those blessings, and success to your labors as legislators, we must look to, and invoke the blessing of God, who holds the destiny of the world in his own Almighty hand, and who has said that nothing shall prosper which does not acknowledge HIM as its author.

JOSEPH DUNCAN.

VANDALIA, December 4, 1838.

On motion of Mr. Naper,

Said communication was laid upon the table, and 5,000 copies ordered to be printed.

The Speaker laid before the House a communication from the Cashier of the State Bank of Illinois, transmitting a statement, showing the condition of that Institution and Branches on the 19th day of last month; which was read, laid on the table, and 100 copies ordered to be printed.

A message from the Governor, by A. P. Field, Esq. Secretary of State, was received and read, and is as follows, viz:

EXECUTIVE DEPARTMENT,  
Vandalia, December 3, 1838.

DEAR SIR:—I have the honor herewith to submit to your honorable body, a communication from Maj. Gen. Edmund Pendleton Gaines, together with a diagram.

With the highest respect,

I have the honor to be,

Your obedient humble serv't,

JOSEPH DUNCAN,

Governor of Illinois.

To the SPEAKER of the House of  
Representatives of the State of Illinois.

On motion of Mr. Edmonston,

Said communication and accompanying document were laid upon the table.

On motion of Mr. Ficklin,

*Resolved by the House of Representatives, the Senate concurring herein,* That a joint select committee of three on the part of the House, and two on the part of the Senate, be appointed to draft and report joint rules for the government of the two Houses.

*Ordered,* That Messrs. Ficklin, R. Smith of Madison, and Webb of Alexander, be the committee on the part of the House; that the Clerk inform the Senate thereof, and ask their concurrence therein.

On motion of Mr. Thornton,

*Resolved,* That any editor or authorised agent of a newspaper, published in this State, who wishes to report the proceedings of the General Assembly, be admitted for that purpose to such place within the bar of the House as may be assigned him by the Speaker.

On motion of Mr. Edmonston,

*Resolved,* That the standing hour of adjournment be until ten o'clock each day.

And then the House adjourned.

WEDNESDAY, DECEMBER 5, 1838.

House met pursuant to adjournment, and adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The Senate, preceded by their Speaker, appeared in the Representative Hall.

Whereupon, the Speaker of the House of Representatives, pursuant to the provisions of the Constitution, proceeded, in the presence of a majority of each House of the General Assembly, to open the returns, and publish the votes given at the last general election in the different counties of this State, for Governor and Lieutenant Governor of this State; by which it

appeared that Thomas Carlin had received thirty thousand five hundred and seventy-three votes, and Cyrus Edwards twenty-nine thousand six hundred and twenty-nine votes, respectively, for the office of Governor. And the said Thomas Carlin having received the highest number of votes at the aforesaid general election, was declared duly elected Governor of the State of Illinois:

That Stinson H. Anderson had received thirty thousand three hundred and thirty-five votes, and William H. Davidson, twenty-eight thousand seven hundred and sixteen votes, respectively, for the office of Lieutenant Governor. And the said Stinson H. Anderson having received the highest number of votes given at the said general election, was declared duly elected Lieutenant Governor of the State of Illinois. The Senate then withdrew.

On motion of Mr. Flood,

*Resolved by the House of Representatives, the Senate concurring herein,* That a joint committee be appointed to wait upon the Hon. Thomas Carlin, and inform him of his election to the office of Governor, and upon Col. Stinson H. Anderson, and inform him of his election to the office of Lieutenant Governor of this State, and inquire of them at what time they will meet the two Houses for the purpose of taking their oaths of office.

*Ordered,* That Messrs. Flood, Calhoun and French, be the committee on the part of the House; that the clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Ficklin gave notice that he should, on Monday next, or some day thereafter, ask leave to introduce bills of the following titles, viz:

"An act for the distribution of the School Fund to the several counties of the State of Illinois, and for other purposes;"

"An act for the construction of bridges across the Kaskaskia and Embarrass rivers, at or near the points where the Springfield trace crosses said streams, and for other purposes; and

"An act to improve the navigation of the Embarrass river."

Mr. Walker, of Vermilion gave notice that he should, on Monday next, or some day thereafter, ask leave to introduce bills of the following titles, viz:

"An act to establish a certain State road therein named;" and

An act for the appropriation of the Vermilion Saline lands, and the moneys arising from the sales thereof."

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed to inform the House of Representatives, that the Senate have agreed to the resolution of the House having for its object the appointment of a joint select committee, to wait upon the Governor and Lieutenant Governor elect, with the following amendment, viz:

*"Resolved by the Senate and House of Representatives,* That when the Governor and Lieutenant Governor elect meet the two Houses in the Hall of the House of Representatives, for the purpose of taking the oath required by the Constitution, that the Honorable Judge of the District Court of the United States, and Justices of the Supreme Court of this State, and of the Circuit Courts, the Honorable Ex-Governor and Lieutenant Governor, be invited to a seat within the Bar of

the Representative Hall; and that the Hon. Thomas C. Browne, Justice of the Supreme Court of Illinois, be requested to administer the oaths of office to those officers elect, respectively;" and have appointed Messrs. Hackelton and Turney the committee on the part of the Senate. And then he withdrew.

The amendment of the Senate to the resolution of the House in relation to the appointment of a committee to wait on the Governor and Lieutenant Governor elect, &c., was read and concurred in.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Hardin proposed, for adoption, the following resolutions, viz:

1. *Resolved*, That the Governor be requested to communicate to this House, the reports heretofore made to the Executive by the Board of Public Works.

2. *Resolved*, That the Auditor of Public Accounts be requested to communicate to this House, the reports heretofore made to him by the Board of Fund Commissioners.

3. *Resolved*, That the Fund Commissioners be requested to inform this House, whether the three millions of dollars authorised to be borrowed by an act, entitled "An act to increase the Capital Stock of certain State banks," &c., and which is provided in said bill for the purpose of increasing the capital of the State Bank of Illinois, and of the Bank of Illinois, have been borrowed; and if so, whether any premium has been obtained on the sale of the State Bonds for the same: also, what amount of "Certificates of Illinois Internal Improvement Stock," have been sold by them, in what sums, at what premiums, if any, and whether for cash or any other thing: also, what sums have been drawn for by the Board of Public Works, and by each one of the Commissioners of Public Works; and that they specify, as far as practicable, the amount drawn for each one of the several works of internal improvement: also, what is the amount of compensation received by each one of the Board, for their services since their appointment to office, including all contingent expenses, if any: also, what is the amount of clerks or other persons in the employ of the Board, and the compensation paid them.

4. *Resolved*, That the Board of Public Works be requested to report to this House, the progress and present condition of the several works of internal improvements committed to their charge, under the provisions of an act, entitled "An act to establish and maintain a general system of Internal Improvement;" what amount of work has been done on said works, specifying the amount as far as practicable done on each, and the amount of money expended on each of said works: also the number of miles *let out* on each of the railroads mentioned in said bill, and on the great western mail route, designating the points of said roads where said contracts have been let out: also, the probable cost of the work let out on each of said works, specifying the probable expense per mile of the railroads, and the great western mail route, so far as contracts have been made on the same: also, what is the ascertained length of each of said railroads, and of the great western mail route, specifying the distance between each of the points named in said bill: also the estimated expense of constructing each of the same, if any estimates have been made by the engineers: also, what amount has been drawn from the Fund Commissioners by each one of the Board, and what aggregate amount has been

expended by each one; that they designate for what purpose the money expended by them has been used, specifying the amount expended on each work, and the particular part of said work on which it was expended: also, what amount of railroad iron has been purchased, and its cost; what number of depots, offices, and other public buildings have been erected, or contracted to be built by them, and the cost or probable cost of each of the same, and where the same are situated: also, what number of boats, skiffs or other vessels have been built or purchased for the improvement of the navigation of the rivers named in said bill, and the cost of each of the same: also, what amount has been expended in the improvement of each of said rivers: also, what is the number and salary of the engineers, clerks and agents, now employed by the Board, and each one of the Commissioners, specifying how many are employed in each judicial district: also, what number of engineers, agents and clerks, have been employed by the Board, and each one of the Commissioners, since the creation of the system, their salaries and compensation: also, what number of engineering corps have been employed, and where employed: also, what is the amount of compensation received or claimed by each one of the Board for their services since their appointment to office: also, what is the aggregate amount of money paid or due to the commissioners, engineers, agents, and all other persons employed by the Board, and each one of the Commissioners, including the amounts paid for the outfit of the engineering corps, and all other expenses incurred in examining, surveying, and locating the railroads, and the great western mail route; and also the aggregate amount paid or due, as last aforesaid, in each one of the judicial circuits, and specifying the particular items for which the money has been expended: also, what is the amount of contingent expenses of the Board, and of each one of the Commissioners; and what items, if any, are embraced under the term of contingent expenses.

*Resolved*, That the clerk of this House make out a copy of each of the foregoing resolutions, and deliver them, respectively, to the Governor, the Auditor of Public Accounts, the Board of Fund Commissioners, and the Board of Public Works.

On motion of Mr. Naper,

Said resolutions were then laid on the table.

And then the House adjourned.

THURSDAY, DECEMBER 6, 1838.

House met pursuant to adjournment.

On motion of Mr. Logan,

*Resolved*, That the Governor of the State be requested to furnish this House with such information as he may possess relative to the expenditures of money upon the Illinois and Michigan canal; also the progress of the work, together with such other and particular information as he may deem proper in relation to said work.

Mr. Flood, from the joint select committee appointed to wait upon the Governor and Lieutenant Governor elect of this State, to inform them



of their election to said offices, and to know of them at what time they would meet the two Houses to take their oaths of office, have reported that they performed that duty, and have received for answer that they will meet the two Houses, in the Hall of the House of Representatives, to-morrow, (Friday,) at two o'clock, P. M.

Mr. Robert Smith gave notice that, on Monday next, or some day thereafter, he would ask leave to introduce a bill for "An act to incorporate the Illinois Mutual Fire Insurance Company."

Mr. Walker, of Vermilion, presented the petition of sundry citizens of Vermilion county, praying the re-location of a part of the State road leading from Shelbyville to Danville; the reading of which was, on his motion, dispensed with, and the same referred to a select committee.

*Ordered*, That Messrs. Walker of Vermilion, French, and Lyons be that committee.

Mr. Murphy of Vermilion gave notice that, on Monday next, or some day thereafter, he would ask leave to introduce a bill, entitled an "Act to incorporate the town of Danville."

And then,

On motion of Mr. Dawson,

The House adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Cloud, from the select committee appointed to draft Rules for the government of the House of Representatives of the State of Illinois, made the following report, which was read and concurred in, viz:

## RULES OF THE HOUSE OF REPRESENTATIVES.

### DUTIES OF THE SPEAKER.

1. He shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order; and, on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2. He shall preserve decorum and order; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members; on which appeal no member shall speak more than once, unless by leave of the House.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, viz: "As many as are of the opinion that (as the case may be) say Aye;" and, after the affirmative voice is expressed, "as many as are of the contrary opinion, say No." If the Speaker doubt, or a division is called for, the House shall divide: those of the affirmative side of the question shall first rise from their seats, and afterwards those of the negative. If the Speaker still doubts, or a count be required, the Speaker shall name two members, one from each side, to tell the members in the affirmative; which



being reported, he shall name two other members, one from each side, to tell the members in the negative; which being reported, he shall rise and state the decision of the House.

5. The Speaker shall examine and correct the journal before it is read; he shall have a general direction of the Hall; he shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

6. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House; in which case they shall be appointed by the House.

7. All acts, addresses, and joint resolutions, shall be signed by the Speaker; and all writs, warrants, and subpoenas, issued by order of the House, shall be under his hand and seal, and attested by the Clerk.

8. In case of any disturbance or disorderly conduct in the lobby or gallery, by the spectators, the Speaker or Chairman of the Committee of the Whole House shall have power to order the lobby or gallery to be cleared.

9. The Speaker shall vote in all cases, and if, after he shall have voted, the House shall be equally divided, the question shall be decided in the negative.

#### OF DEBATE.

10. When any member is about to speak in debate, or deliver any matter to the House, he shall rise, and respectfully address himself to "Mr. Speaker," and confine himself to the question under debate, and avoid personality; and no motion shall be considered in order, unless made from the seat occupied by the member.

11. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; and the member called to order shall immediately sit down, unless permitted to explain; and the House, if appealed to, shall decide without debate. If the decision be in favor of the member called to order, he shall be permitted to proceed; if against him, and the case require it, he shall be liable to the censure of the House.

12. When two or more members rise at once, the Speaker shall name the member who is to speak first.

13. No member shall speak more than twice to the same question, nor more than once, unless every member choosing to speak, has spoken.

14. Whilst the Speaker is putting the question or addressing the House, none shall walk out of or across the room; nor in such case, or when a member is speaking, shall entertain private discourse; nor when a member is speaking, shall pass between him and the chair.

15. No member shall vote on any question in the event of which he is immediately and particularly interested; or in any other case where he was not present when the question was put.

16. Every member who shall be in the House when a question is put, shall vote on one side or the other, unless the House, for special reasons, shall excuse him.

17. When a motion is made and seconded, it shall be stated by the Speaker, or, if it be in writing, it shall be handed to the chair, and read aloud by the Clerk before debate.

18. After a motion is stated by the Speaker, or read by the Clerk, it shall be considered in the possession of the House, but may be withdrawn at any time before decision or amendment.

19. Every motion shall be reduced to writing, if the Speaker or any member desire it.

20. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill, or proposition. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.

21. A motion to adjourn shall always be in order, and shall be decided without debate.

22. The previous question being moved and seconded, the question from the chair shall be—"Shall the main question be now put?" and if the "noes" prevail, the main question shall not then be put.

23. On the main question, no member shall speak more than once without leave.

24. Any member may call for a division of the question, when the sense shall admit of it.

25. A motion for commitment, until it shall be decided, shall preclude all amendments of the main question.

26. Motions and reports may be committed, at the pleasure of the House.

27. If a question be lost by adjournment of the House, and revived on the succeeding day, no member who has spoken twice on the preceding day, shall be permitted to speak again without leave.

28. Petitions, memorials, and other papers addressed to the House, may be presented by any member, who shall state to the House the contents thereof; which may be received, read, and referred, on the same day, to the proper committee, if the House agree thereto.

29. When a resolution shall be offered, or a motion made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order: The Committee of the Whole House, a Standing Committee, or a Select Committee.

30. Upon a call of the House for the yeas and nays on any question, the names of the members shall be called in alphabetical order.

31. No member shall name another member present in debate.

32. No bill shall be introduced, unless leave to introduce the same be given by the House, or report of committee; and every such motion may be committed.

33. Every bill, previous to its passage, shall undergo three readings, one on each day, for three days, and free discussion allowed thereon, unless, in case of urgency, the House, by the concurrence of three-fourths, shall deem it expedient to dispense with this rule.

34. The general question on the first reading shall be—"Shall the bill be read a second time?"

35. On the second reading of a bill, the Speaker shall state it ready for commitment, amendment, or to be ordered to be engrossed and read a third time; but any bill may be recommitted at any time before the passage.

36. When a bill passes, it shall be certified by the clerk, who, at the foot thereof, shall note the day it passes.

37. As soon as the journal is read, the Speaker shall call for, 1st, petitions; 2d, reports from standing committees; 3d, reports from select committees, 4th, resolutions; which shall be received and disposed of in the order in which they are called; and not more than the forenoon session of each day shall be devoted to business mentioned in this rule, unless the House shall otherwise direct.

38. After the business mentioned in the preceding rule shall have been disposed of, the Speaker shall dispose of the bills, messages and communications on his table, and then proceed to call the orders of the day.

#### OF COMMITTEES OF THE HOUSE.

39. In forming the Committee of the Whole House, the Speaker shall leave his chair, and a Chairman, to preside in the committee, shall be appointed by the Speaker.

40. Upon a bill being committed to a Committee of the Whole House, the same shall be first read through by the Clerk, and then read and debated by clauses, leaving the preamble to be last considered. After report, the bill shall again be subject to debate and amendment by clauses, before the question of engrossing it be taken.

41. All questions, whether in committee or in the House shall be disposed of in the order in which they were moved, except that, in filling up blanks, the largest sum, and most remote day, shall be first put.

42. The rules of proceeding in the House shall be observed in committee, so far as they may be applicable, except that of limiting the time of speaking.

43. A majority of any committee shall be a sufficient number to proceed to business.

44. Ten o'clock in the morning shall be the standing order of adjournment.

45. The Clerk may read all bills and journals belonging to the House sitting, but he shall rise to read all official communications to this House.

46. The following standing committees shall be appointed, viz: on the Judiciary; on Finance; on Elections; on the Militia; on Internal Improvements; on Education; on Salines; on Public Accounts and Expenditures; on the Penitentiary; on Canals and Canal Lands; on Manufactures and Agriculture; on Claims; on Public Buildings and Grounds; on State Roads; on Counties; and on Engrossed Bills; to consist of not less than five nor more than nine members.

47. It shall be in order for the Committees on Engrossed and Enrolled Bills to report at any time.

48. It shall be the duty of the Committee on Engrossed Bills to examine all engrossed bills, correct any mistakes therein, and report the bills to the House.

49. No motion or proposition, on a subject different from that under consideration, shall be admitted under color of amendment.

50. No rule shall be dispensed with, unless by the concurrence of three-fourths of all the members present.

Mr. Moore moved that the House adjourn; which was not agreed to. And,

On motion of Mr. Williams,

The House adjourned until to-morrow, at 2 o'clock, P. M.

FRIDAY, DECEMBER 7, 1838.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

At the hour appointed, the Senate, preceded by their Speaker, appeared in the Representative Hall.

Whereupon, the Hon. Thomas C. Browne, one of the Justices of the Supreme Court of this State, administered to Thomas Carlin, the Governor elect, the oath of office.

The oath of office was then administered to Stinson H. Anderson, as Lieutenant Governor, by the said Justice Browne:

When, the Governor arose and delivered the following speech to both Houses of the General Assembly :

*Fellow-Citizens of the Senate,  
and House of Representatives:*

It is with great diffidence that I assume the responsibilities devolving upon the Executive of this State; and while I regret that the choice of the people did not fall upon some more competent individual, I can only promise, in the discharge of the duties which my station enjoins, unremitting vigilance and my best exertions to maintain and promote the public welfare generally. In carrying out such measures as will be most conducive of, and subservient to, the various interests of the State, I shall confidently rely upon the joint wisdom and co-operation of this General Assembly.

Duly impressed with a sense of the solemn trusts which the partiality and kindness of my fellow-citizens have induced them to confide to my care, it is to me, as I doubt not it is to each of you, a source of infinite gratification to contemplate the present prosperous and happy condition of our State and the country generally.

The mighty energies and inexhaustable resources of the nation have enabled it, in a much shorter period than could have been expected, to overcome the pecuniary embarrassments and pressure occasioned by the mismanagement and over-action of the Banks. Specie payments have generally been resumed, confidence is restored, commerce and business have revived, and every circumstance affords convincing evidence of a season of prosperity and plenty. Amid the calamities and difficulties from which the country has just emerged, Illinois has been particularly fortunate. While the advancement and growth of other States have perhaps been retarded and checked, she has kept steadily on in the march

of improvement, rapidly increasing in population and wealth, her enterprising and industrious citizens always reaping the richest rewards for their labor, and receiving the highest prices for every species of production and property. Her prospects are truly bright and flattering. Possessing in an eminent degree the advantages of navigation, blessed with a soil of almost unequalled fertility and admirably adapted to all the purposes of cultivation, with a surface inviting the construction of Internal Improvements, and inhabited by an enterprising and thriving population, with wise and judicious legislation, she will in a few years be second to no State in the Union.

The history of government, however, demonstrates that a system of legislation, to be efficient and salutary, must provide for the moral and intellectual as well as the physical condition of the community. The most effectual means for advancing the interests of the people, and developing the resources of a country, is the general diffusion of knowledge; this is true under all forms of government, but more especially in a republic. In order to maintain republican institutions, it is indispensably necessary that the community be sufficiently intelligent to comprehend their own rights and obligations and the fundamental principles of government. This can only be attained through the medium of an enlarged and comprehensive system of Common Schools; and to this subject I beg leave most respectfully, but most earnestly, to solicit your attention.

The School Fund of the State, exclusive of 16th sections, amounts to six hundred and fourteen thousand six hundred and seventy-seven dollars and thirty-eight cents, and provision has been made for distributing the interest arising from it among the various townships in a rateable proportion to the number of inhabitants.

Owing, however, to imperfections in the acts, or to the indifference of the people, but a limited portion of the townships have availed themselves of the advantages thus afforded.

I would, therefore, respectfully recommend that such a disposition be made of this fund as will amply secure the principal, and at the same time yield the greatest possible amount of interest, and that the various acts for establishing and maintaining a general system of Common Schools be carefully revised and amended.

There are few measures in which the people are more deeply interested than the faithful management of the banking institutions of the State. The regulation of Banks in general, is a question of the most perplexing and difficult nature—one which has baffled the exertions of the wisest and most profound statesmen both of this country and of Europe, and one which at present remains in a very unsettled and imperfect state. The whole history of our Government, and especially the occurrences of the last few years, prove that the principles upon which the banking institutions of the United States have been chartered and conducted are radically and fundamentally defective. Under a judicious and well regulated Banking System, I am persuaded that no exigency or vicissitude that could possibly happen would render a general suspension of specie payments necessary. And such a measure, instead of being sanctioned by legislative enactments, should be carefully guarded against, and, when resorted to by the Banks, should be punished with the utmost rigor. All acts authorising such suspension, and relief laws in general, are so many acts

legalising the violation of law and of moral obligation, and cannot fail to exert a pernicious and corrupting influence upon the morals of the people. Among the various defects in the Banking System, I regard the following as a few of the most prominent: the difficulty of exacting from them a strict and rigid compliance with the provisions of their charters and of compelling them by process of law to meet their various obligations and contracts—the impossibility of preventing them from using their power and influence to affect and control the politics of the country.

Another and perhaps more serious objection is, that they often confine their accommodations and loans to speculators and large dealers, to the exclusion of the more numerous classes of the community, who are, in turn, compelled to borrow of those individuals at an advanced and frequently enormous interest.

These being my sentiments in relation to Banks generally, I am of opinion that the deep interest the State has in those institutions as the depositories of its various funds, and in consequence of the large amount of capital it has invested in them, together with the interest the community for whom you are assembled to legislate must feel as the holders of their notes, would warrant you in enacting such penal statutes as would compel them to confine themselves strictly within their legitimate spheres of action, and in instituting, and from time to time repeating, such examinations into their condition and conduct as will most effectually prevent any abuse of their privileges, and secure the interest of the State and people.

The subject of Internal Improvements is one of absorbing interest to the people, and one which merits your most serious and patriotic consideration. The signal success which has attended our sister States in the construction of their extensive Systems of Improvements can leave no doubt of the wise policy and utility of such works. They open new channels of commerce and trade, furnish the farmer and mechanic the means of transporting the products of their labor to market, develop the natural and hidden resources of the country, and stimulate the enterprise and industry of the people.

In view of these great and numerous advantages, the General Assembly of this State, at its last regular session, adopted a general System of Improvements, to be constructed and owned exclusively by the State. In the principles and policy of this plan, contrasted with that of joint stock companies and private corporations, I entirely concur. Had I occupied my present situation at the establishment of this system, I would have recommended its adoption on a less extensive scale, and the construction of the most important works first. Under the present plan of proceeding, however, near two millions of dollars have been expended, and whatever diversity of opinion may now exist as to the expediency of the system as originally projected, all must admit that the character and credit of the State forbid its abandonment. I shall therefore submit it for your consideration, and should you, in your wisdom adopt any modifications which will render it more useful and better suited to the condition and wants of the country, they will meet my hearty co-operation and approval; and whatever course may be pursued, I would recommend a rigid economy in the expenditure of the funds of the State.

The Illinois and Michigan canal is a subject of great importance to this State, and the country generally. No one measure would so directly and so materially advance the commercial, agricultural and manufacturing interests of the

whole State as the completion of this stupendous work. The most liberal and enlarged course of legislation in regard to it should be uniformly pursued, and every prudent means employed to promote its vigorous prosecution and speedy completion.

The draining and improvement of the American Bottom, although a local measure, is one of a very laudable nature, and one which would materially advance the interest of that and the surrounding country. This and the improvement of the river bottoms, generally, merit the encouragement of the Legislature, either by memorializing Congress to donate the unsold lands lying within them, or in any other manner that may harmonise with the general interest of the State.

The question of the currency, which has so long agitated, and still continues to agitate, every portion of the Union, is one which so deeply involves all the great interests of the country, that it perhaps merits an allusion here. Upon this subject, and upon the policy of the late and present administrations of the United States Government in general, I differ greatly in opinion with my worthy and much esteemed predecessor. In relation to the currency, three distinct measures have been proposed—the continuance of the State Bank deposit system—the incorporation of a National Bank, and the establishment of an Independent Treasury.

The injuries and losses which have resulted to the Government and people, by the failure of the State Bank deposit system, are sufficient to deter a considerate and prudent community from its longer continuance. This is so manifestly true that, throughout the whole extent of the country, but few advocates for this measure can be found, and even those few seem to advocate it for political effect and to subserve party purposes, rather than with any real expectation of its ultimate success. The final issue, therefore, seems to be between a National Bank and an Independent Treasury; and under these opposite measures, the two great political parties of the country have ranged themselves. It is truly astonishing, to my mind, that between these two measures an intelligent and enlightened public should hesitate. The incorporation of a National Bank, under any of the various forms which have been proposed, I should regard as among the greatest calamities that could befall a free people. The creation of such an institution, as the fiscal agent of the Government, would be unconstitutional, irrepublican and dangerous.

In relation to the unconstitutionality of this measure, I do not entertain the slightest doubt. The Congress of the United States is a body which owes its existence to, and derives all its powers from, the constitution. These powers are of two kinds: those which are expressly delegated, and those which are incidental and necessary to the exercise of delegated powers.

The power to incorporate cannot be regarded as an incidental, contingent power, to be derived by implication and construction, but as a distinct, independent substantive power, and one that as absolutely requires an express grant as the power to declare war. That the constitution expressly delegates to Congress no such power, every individual who has ever read it must know.

These considerations afford to my mind conclusive evidence that this power was neither directly nor indirectly delegated to Congress by the constitution, and that, in the language of that instrument, it was reserved to the States respectively; and for that body to exercise it would be a manifest violation of the constitution and an act of flagrant usurpation. All acts of incorporation and charters creating monopolies, in granting exclusive privileges, operate unequally and unjustly upon the community, and tend to the establishment of fictitious and unnatural distinctions in society. The legitimate and inevitable effect of the privileges which have been extended to banking institutions, both by the National and State Legislatures, is to throw wealth and commercial influence into



the hands of the few to the exclusion and injury of the many, and to create and perpetuate a moneyed aristocracy in the country, which is openly at war with equal, simple republican principles, upon which our Government was founded and should be administered.

An institution owned either by the Government or by individual stockholders, with the privilege of using and loaning the public moneys, and possessing capital, power, and resources sufficient to regulate the currency of the country, could not fail to prove dangerous and ultimately destructive to the rights and liberties of the people. A Government Bank would concentrate in the General Government an undue and perhaps fatal amount of power,—would give a new impulse to the tendencies to centralism and consolidation which are already sufficiently strong, and would entirely defeat the objects for which that Government was instituted. The plan of a private corporation upon such a scale is equally objectionable. The late United States Bank was measurably an institution of this kind, and its history should forever deter us from creating another. We have seen it violating the provisions of its charter, defying the authorities of the Government, interfering with the politics of the country, corrupting the public press, bribing the members of Congress, waging war upon the National Executive, and, by wanton panics and pressures, attempting to subdue the republican spirit of the people and coerce them into a submission to its recharter.

Such was the conduct of an institution of moderate capital and limited resources. What, then, have we not to fear from one of almost unlimited power? Every dictate of wisdom and experience forbids its establishment. The tremendous influence such a great central moneyed power could wield, would enable it not only to regulate the currency, but to control the entire commercial and political interests of the whole country, to render itself superior to the authority of the Government and people, to determine our policy at home and abroad, and dictate the terms of peace and of war. The present condition of the currency and the interests of the country generally seem to require the establishment of an Independent Treasury, and the collection and disbursement of the public revenue in specie. This measure, without increasing the influence of any department of the Government, or concentrating power any where, will be attended with the most beneficial results. It will dissolve the connexion between the Government and Banks—a connexion as unnatural and dangerous as the union of church and state—and amply secure the public funds, give to the General Government that degree of freedom and independence which was contemplated by the constitution, and, by creating a constant demand for specie, elevate the precious metals to a proper degree of importance, restrain the banks from over issues, insure a sound and uniform circulating medium, diminish the temptations to extravagant speculations, and effectually secure the people from a recurrence of revulsions and panics and pressures in the money market.

There are various other subjects pertaining to the general interest and policy of the State, which deserve your attention, some of which have been presented in the late communication of my predecessor; and others will present themselves during the progress of your legislation. I shall therefore conclude by reminding you that her condition seems peculiarly to require the vigilant and protecting care of the Legislature; and hope that all sectional prejudices and local interests may be merged in the general welfare, and that harmony and unanimity may characterize your deliberations, and that they may result in promoting the prosperity of the whole State.

THOMAS CARLIN.

*VANDALIA, December 7, 1838.*



The Senate withdrew.

Mr. English moved to lay the speech of the Governor on the table, and that 10,000 copies be printed for the use of this House.

Mr. Rawalt moved 5,000.

The speech was then laid on the table.

The question was then taken on printing 10,000 copies, and decided in the negative.

Mr. Moore moved 8,000; which was not agreed to.

The question was then taken on printing 5,000, and decided in the affirmative.

And then the House adjourned.

### SATURDAY, DECEMBER 8, 1838.

House met pursuant to adjournment.

The Speaker, in pursuance of a rule of the House, announced the following Standing Committees, viz:

*On the Judiciary*—Messrs. French, Webb of White, Ficklin, Jarrott, Hardin, Baker, McCutchen, Fisk, and Craig.

*On Finance*—Messrs. Williams, Webb of Alexander, Gouge, Lincoln, Walker of Vermilion, Compher, Daley, Stapp, and Rawalt.

*On Elections*—Messrs. Carpenter, Edmonston, Thomas of McLean, Dubois, Allen of Franklin, Murphy of Vermilion, Robinson, Philips, and Lyons.

*On the Militia*—Messrs. Harris, Jones, Read, Walker of Fulton, Bainbridge, Dawson, Allen of Greene, Foster, and Elkin.

*On Internal Improvements*—Messrs. Smith of Wabash, Thornton, Calhoun, Murphy of Perry, French, English, Thomas of St. Clair, Happy, and Moore.

*On Education*—Messrs. Ficklin, Roman, Murphy of Perry, Crain, Maus, Webb of White, McWilliams, Kent, and Johnson.

*On Public Accounts and Expenditures*—Messrs. Calhoun, Happy, Daley, Aldrich, Pace, Robert Smith, Wood, Dubois, and Hardin.

*On the Penitentiary*—Messrs. Robert Smith, Gilham, Morgan, Green of Greene, Craig, Huey, George Smith, Copland, and Kerr.

*On Salines*—Messrs. Walker of Vermilion, Dunn, Wood, Dawson, Menard, Roberts, Bainbridge, Carpenter, and Lyons.

*On Canals and Canal Lands*—Messrs. Cloud, Churchill, Kercheval, Henderson, Thornton, Murphy of Cook, Logan, Naper, and Baker.

*On Manufactures and Agriculture*—Messrs. Pace, Aldrich, George Smith, McCormick, Edmonston, Henry, Philips, Zimmerman, and Emmerson.

*On Claims*—Messrs. Naper, Churchill, Houston, McMillan, Dubois, Edwards, Henry, Morgan, and Green of Clay.

*On Public Buildings and Grounds*—Messrs. Flood, Holmes, Alexander, Edwards, Hankins, Fisk, Compher, Read, and Zimmerman.

*On State Roads*—Messrs. Archer, Walker of Fulton, Elliott, Cunningham, Brown, Huey, Jones, Allen of Greene, and Otwell.

*On Counties*—Messrs. Moore, Webb of Alexander, Lincoln, Cloud, Kent, Houston, Daley, Murphy of Vermilion, and Hull.

*On Engrossed Bills*—Messrs. Maus, Menard, Jarrott, Stapp, Roman, Flood, Elkin, Gilham, and Crain.

Mr. Moore presented the petition of sundry citizens of McLean county, praying a view and relocation of a part of a State road in said county; the reading of which was, on his motion, dispensed with, and that it be referred to a select committee.

*Ordered*, That Messrs. Moore, Thomas of McLean, and Dawson, be that committee.

On motion of Mr. Naper,

*Resolved by the Senate and House of Representatives*, That our Senators and Representatives in Congress be requested to procure the passage of a law or resolutions, by Congress, at its present session, directing a survey of the navigable waters of the northern and western lakes, together with the navigable rivers flowing into, connecting, and flowing out of the same, as soon as may be compatible with the convenience of the War Department, and that a chart be made of the same for the benefit of the commerce of those lakes.

*Resolved*, That the Governor be requested to transmit copies of these resolutions to each of the Senators and Representatives in Congress from the State of Illinois.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Cunningham proposed for adoption the following resolution:

*Resolved*, That the Committee on Internal Improvements be instructed to inquire into the expediency and practicability of improving the navigation of the Embarrass, Kaskaskia, and Little Wabash rivers, and that they report by bill or otherwise.

On motion of Mr. Rawalt,

Said resolution was amended by adding "Spoon river," after the word "Kaskaskia."

On motion of Mr. English,

The resolution was further amended, by adding "Apple creek and Macoupin."

On motion of Mr. Carpenter,

The resolution was further amended by adding "Big Muddy."

On motion of Mr. Copland,

By adding "Cache river."

On motion of Mr. Stapp,

By adding "Henderson;" and,

On motion of Mr. Naper,

By adding "Fox river;" when,

On motion of Mr. Murphy of Vermilion,

Said resolution and amendments were laid on the table.

On motion of Mr. French,

*Resolved*, That so much of the Governor's message as relates to the subject of internal improvements, be referred to the Committee on Internal Improvements; and so much as relates to the militia, to the Committee on Military Affairs; and so much as relates to the subject of educa-

tion, to the committee on Education; and so much as relates to the banks and currency, to the committee on Finance.

Mr. Dawson proposed for adoption the following resolution, viz:

*Resolved*, That the committee on Finance be instructed to draft and report a bill to amend the revenue laws of this State, so as each person shall be compelled to pay a tax according to the valuation of the property that he or she may have in his or her possession; and said law shall be so formed as to be in strict conformity to the 20th section of the 8th article of the Constitution of the State of Illinois.

Mr. Webb of White moved to amend the resolution, so as to make it necessary for the committee to enquire into the expediency of amending the revenue laws of this State, &c; when,

On motion of Mr. Flood,

The resolution and proposed amendment were committed to a committee of the Whole House, and made the special order of the day for Wednesday next

On motion of Mr. Rawalt,

*Resolved*, That the Auditor of Public Accounts be requested to furnish this House with a statement of the quantity of land taxable in each county; and, also, the amount of revenue received into the State Treasury, from taxes on lands in each county.

The Speaker laid before the House the following report of the Inspectors of the Penitentiary, made in pursuance of law:

#### TO THE GENERAL ASSEMBLY OF THE STATE OF ILLINOIS:

*The Inspectors of the Penitentiary, in obedience to the requisitions of the statute of the State of Illinois, respectfully submit the following*

#### REPORT.

The Inspectors of the Penitentiary appointed by the last General Assembly met at the Penitentiary on the 11th of March, 1837, were duly sworn into office, and formed a Board for the transaction of business.

On the application of the Warden of the Penitentiary, Jacob C. Bruner, the sum of seven hundred and ninety-one dollars sixty-two and a half cents was paid to him for the balance due him, as appeared by the settlement made with him by the former Board of Inspectors, up to the 22d November, 1836.

On the 18th of March, 1838, the Warden, J. C. Bruner, presented his account current of Receipts and Expenditures from 22d November, 1836; up to the 16th March inst., by which it appeared that the receipts had been \$84 78, and the expenditures \$563 91, and the sum of \$400 was paid to him, leaving a balance of \$79 13, to be adjusted and paid when the Warden shall have rendered an account of work that the convicts had done for an individual who was then absent, and could not be adjusted. The further sum of ten dollars and thirty-seven cents was paid to said J. C. Bruner for glass, hinges, and nails, which he had furnished for the Penitentiary.

On the 11th of April, it was ordered by the Inspectors that contracts should be made for the building of a guard room adjoining the Penitentiary and the Warden's Office, so as to enclose the entrance doors to the Prison Warden's Office and yard; which was accordingly done under the direction of Samuel C. Pierce, one of the Inspectors, and the sum of \$600 paid for said work.

On the 17th of April, the Inspectors visited the Penitentiary for the purpose of enquiring into the cause of the escape of four of the convicts soon after the possession of the Penitentiary was taken by the newly appointed Warden, B. S. Enloe. After a thorough examination, the Inspectors were of opinion that the cause of the said convicts escaping, was negligence on the part of the Warden; and a statement to that effect was made and sent to the Governor.

On the third day of May, the Inspectors made an examination and adjustment of certain accounts that were left unsettled by the former Board of Inspectors, amounting to \$156 72, which had been contracted by Stinson H. Anderson, late Warden. They received satisfactory evidence that \$84 66 of the above amount was justly chargeable to the State; which amount was immediately paid to the respective claimants.

Dr. B. K. Hart was appointed physician to attend upon the convicts, at the salary of one hundred dollars per year, to give his attendance at all times when called upon by the Warden or other officers of the Penitentiary, and to be allowed 50 cents for bleeding, and 50 cents for extracting teeth, and a reasonable charge for medicines.

On the 20th May, 1837, the Inspectors made a final settlement of the accounts of the late Warden, J. C. Bruner, up to the 14th of April, at which time he delivered up the Penitentiary to his successor, and found the sum of \$140 36 to be the balance due him up to that time, which was accordingly paid him.

On the 18th day of August, 1837, the possession of the Penitentiary was delivered over by the late Warden, B. S. Enloe, to the Inspectors in accordance with the provisions of the act of the Legislature passed at the called session in July, 1837, when the Board of Inspectors appointed J. R. Woods, one of the Inspectors, their agent, to take charge of the Penitentiary, and to superintend the same and the convicts therein, and all matters relating thereto, until such time as said Inspectors may appoint a superintendent of said Penitentiary; and the said agent was empowered to procure the necessary guard to keep the convicts safe that were confined therein.

On the 19th and 21st of August, the Inspectors met at the Penitentiary to adjust and settle the accounts of the late Warden. By the late Warden's report and account current from the 15th of April, 1837, to the 18th of August inclusive, it appeared that bills and accounts against the prison to the amount of \$322 75 had been paid by said Warden; to meet which he had received from the contingent fund \$275, leaving a balance due him of \$47 75, which was paid to him. The late Warden also laid before the Inspectors bills and accounts against the prison, which had not been paid, amounting to the sum of \$353 73, showing that the contingent expenses of the Penitentiary from 15th April, 1837, to 18th of August, 1837, were \$676 48. Said report also shows a credit to the State of 122 yards of pounded stone on hand, worth \$122—also, the making of 80 pork barrels, at 50 cents each, in all \$162—leaving a deficit against the prison of \$514 48. The sum of \$353 73 was placed in the hands of the agent to pay said claims when called for by those who were entitled to receive it, and to take their receipts for the same, which was duly attended to by said agent of the Inspectors.

On the 1st September, 1837, John R. Woods was appointed, by the

Board of Inspectors, Superintendent of the Penitentiary during the pleasure of the Inspectors; the said Superintendent to perform the same duties in regard to the reception, working, and safe-keeping of the convicts, as were incumbent upon the Warden previous to the passage of the act of the special session of the General Assembly of July, 1837, abolishing the office of Warden, and authorizing the Inspectors to appoint a Superintendent, and that he shall act under the direction of the Inspectors, in the working and treatment of the convicts not inconsistent with the laws of the State; and that the said Superintendent, before entering upon the duties of said office, shall take the oath of office as required by the constitution of the State; and that his salary shall be at the rate of eight hundred dollars a year.

There being no suitable room for the convicts in which to eat their meals, the Warden was directed to put up such a building as was needed for that use, making the convicts do as much of the labor as possible. A building one story in height, 18 by 40 feet, was erected and finished for that purpose by the Warden.

On the 24th of October, 1837, the Inspectors ordered that notice be published in the Alton Spectator and Telegraph, that proposals would be received by the Inspectors until the 10th November next, for the erection of thirty-two additional cells to the Penitentiary of the like materials and workmanship of those already erected—also to extend the prison-house so as to enclose the same.

On the 10th November, 1837, the Inspectors proceeded to open the proposals for the building of the addition to the prison cells, &c., according to the plan and specifications exhibited by the Inspectors to the bidders; when it appeared that Caswell & Whittaker's bid was the lowest offered; which was accepted, and a contract entered into by them to lay the foundation of the cells and building upon the solid rock, at the rate of two dollars per perch, the convicts to dig out the earth for the foundation; and the sum of eleven thousand eight hundred and thirty-one dollars and eighty-five cents for the other work complete, to correspond with the other cells. An extra door in the exterior wall was ordered to be made by the Inspectors, similar to the cell doors, but of larger dimensions, which was done according to their directions, and the sum of \$160 allowed therefor; and the Inspectors agreed to pay the said Caswell & Whittaker seventy-five per cent. on the work as it progressed, and when completed, to pay them the twenty-five per cent. reserved for the faithful performance of the contract; and there has been paid to said Caswell & Whittaker the sum of eight thousand nine hundred and forty-one dollars, leaving a balance of three thousand eight hundred and fifty-nine dollars and eighty-five cents, to be paid when the work is completed, (which will be done in a few days) and which will be in full for their contract.

On the 26th day of May, 1837, the Inspectors (in office at that time) purchased a draft of the County Commissioners of Madison county, for the sum of three thousand dollars, bearing interest at the rate of ten per centum per annum, drawn by the County Commissioners on Messrs. John M. Krum, Charles W. Hunter, Alfred Cowles, Robert Smith, John Hogan & Co., Aldrich & Buffam, Clawson & Cock, Nathaniel Buckmaster, J. A. Townsend, Jacob C. Bruner, Cock & Fifield, and Stephen Griggs, and accepted by them, payable, five days after demand made, at the Alton Branch of the State Bank of Illinois; and on the 4th of August, 1837,

the Inspectors purchased another draft of said County Commissioners of Madison county, for the sum of two thousand dollars, bearing the same rate of interest, drawn by said Commissioners on Messrs. John M. Krum, Alfred Cowles, Thomas G. Hawley, Nathaniel Buckmaster, Henry Evans, M. W. Carrol, B. K. Hart, George Heaton, B. I. Gilman, A. C. Hankinson, William Martin, and George T. M. Davis, and accepted by them, payable at the Alton Branch of the State Bank of Illinois. The acceptors of the above drafts have been called upon for payment, the money being wanted to pay Messrs. Caswell and Whittaker for their work enlarging the Penitentiary, but they have not, as yet, paid the same. They say that they accepted the drafts to enable the county commissioners (who had no funds at their disposal,) to build a bridge across Wood river, which had been swept away by the high water, and one across Shield's branch; that the whole country was suffering for the want of said bridges—they being on the mail route from Carlyle to Alton, as well as from St. Louis through Alton to the upper or northern part of the State; that the mails and lives of passengers were endangered in crossing Wood river, the mails being swept away by the current, and horses in the stages being drowned, &c. &c.; that they expected the county would be in funds to relieve them from their liability on the drafts before the money would be wanted by the Inspectors; but that not being the case, they have confidence that, by a fair statement of the facts, the Legislature will relieve them, either by loaning the amount to the county of Madison, or by making an appropriation for that amount, the same having been expended in improving that part of the great western mail route between Carlyle and Alton, (after the State has been so liberal in improving the mail route from Carlyle to St. Louis, Mo.) The Inspectors certainly can have no objection, and they would respectfully suggest whether, under the circumstances, it would not be right and expedient to relieve them from their liabilities. But the Inspectors do not feel justified in delaying the collection of the drafts any longer. A demand has therefore been made at the Bank, and the acceptors and drawers will be protested, so as to bring suit on them at the January Term of the Municipal Court in Alton. Should the Legislature be disposed to do any thing in relation thereto, immediate action on the subject would be necessary, that the proceedings on the acceptances might be stayed.

By the Inspectors' report made to the Legislature, December, 1836, it appears that there was in Bank at that time to their credit, the sum of sixteen thousand five hundred and ninety-eight dollars and eighty-three cents, which is accounted for in the following manner:

Amount in Bank	-	-	-	\$16,598 83
Amount paid J. C. Bruner for glass, nails, &c.,			\$10 37	
“ “ James Semple, fee for services in				
ejection suit,	-	-	20 00	
Amount paid for erecting guard room,	-	-	600 00	
“ “ for dining room and other improve-				
ments,	-	-	1,111 10	
Amount paid Caswell & Whittaker, foundation of				
prison, extra door-cells and prison-house, &c.,			8,820 00	
Amount loaned to the contingent fund,	-	-	1,037 36	
Amount paid for county commissioners' drafts,			5,000 00	
				<hr/> \$16,598 83

By the above it will be observed that upwards of one thousand dollars of the building fund has been loaned to the contingent fund. This became absolutely necessary, owing to the depression in all kinds of business during the last two years, and the impossibility of making sales of the articles manufactured by the convicts. By the Warden's report, hereunto annexed, giving a detailed statement of all the contingent expenses for the last two years, it appears that there is property on hand to meet the above loan, or for other purposes, to the amount of \$832, when sales can be effected. It will likewise be seen that the convicts are of very considerable expense to the State, and will continue to be, in the opinion of the Inspectors, unless a change of policy takes place. One great source of evil is the frequent changing of the Wardens or Superintendents. By the time they get to understand the management of the convicts and the business carried on in the prison, their time expires. The Inspectors are of opinion that the best interests of the State will be promoted by leasing the whole concern to some trusty and responsible person for six, eight or ten years. By the act of the Legislature, at its special session in July, 1837, the Inspectors were authorised to lease out the Penitentiary convicts, &c., but as they had no authority to extend the time beyond the two years, no one could be found willing to take it, and clear the State of all expense. For any one to clear the expenses of the convicts by their own labor, they must be learned mechanical trades, which, in most cases, will take two years before their labor is of much profit.

The plan of the Penitentiary which was adopted by the first commissioners, Gov. Bond, Wm. P. McKee, Esq., and Dr. Jayne, is such an one that, until completed, will be very insecure; hence the reason, in a great degree, of the great number of escapes. According to the plan adopted by the first commissioners, it will probably cost fifty or sixty thousand dollars to complete the same. If the State had the funds at its disposal, it would no doubt be the best policy, as to the saving of expense and the security of the convicts, to have it completed as speedily as possible. There are now fifty-six cells, and it is very probable that before the next two years end, they will all be occupied. It would then seem to be necessary that an appropriation should be made by the present Legislature to extend the prison, in the event that it should become necessary to do so before the next Legislature convenes. By the original plan, the keeper's house was to be built in front of the prison, and would probably cost six thousand dollars, which has not as yet been commenced. A temporary building for the keeper was erected inside of the yard wall, and which was designed for a Hospital for the sick, whenever the keeper's house should be built; this house is now wanted for the sick, and some provision must be made for their better accommodation another year, or their lives will be endangered for the want of it. We should therefore recommend that an appropriation for the building the keeper's house be made, and that the same be completed as speedily as possible, so that the present building may be used for a Hospital, according to the original intention.

The report of the Superintendent to the Inspectors is attached, and made a part of this report, together with the report of the physician of the prison, &c. By the Warden's report it will be observed that there



is due the Warden or Superintendent, the sum of \$565 63. We would suggest the propriety and necessity of an appropriation being made to pay the Superintendent the amount due him at as early a day as convenient.

All of which is respectfully submitted.

B. F. EDWARDS, } *Inspectors Penitentiary,*  
ISAAC PRICKETT, } *State of Illinois.*

December 3, 1838.

*Report of the Superintendent of the Illinois Penitentiary to the Inspectors.*

Messrs. GEORGE SMITH, B. F. EDWARDS, and I. PRICKETT:

GENTLEMEN: I had the honor of receiving the appointment of Superintendent of this Institution on the 18th day of August, 1837, from which date to the 20th November, 1838, the contingent expenses thereof amount in the aggregate to the sum of \$3,403 70, incurred for the purchase of the articles enumerated in the following statement, to wit:

Clothing, (hats, caps shoes, and materials for shoes and clothes)	\$363 12
Making clothes	83 35
Bedding, cots and cell furniture	199 63
Meat and salt	463 54
Corn meal	195 70
Wheat flour, common flour, middlings and shorts	80 25
Condemned rice	10 26
Potatoes, beans, turnips and other vegetables	72 57
Corn for homony	16 54
Black tea	45 74
Sugar for the sick, \$7, molasses \$20 52,	27 52
Coffee, rye and wheat for coffee	26 21
Wood	164 50
Water	67 45
Pepper and vinegar, &c.	5 27
Tobacco	6 12
Cooking utensils and eating room furniture	35 25
Candles	9 39
Coopers and carpenters' tools	72 80
Tools for smith, stone cutters and quarry, and iron for do.	58 43
Chains bought, and iron for making chains for convicts	49 74
Stone coal for blacksmith work	19 00
Ammunition and arms for guards (pistols)	15 75
Guard hire	795 75
Physician's salary	125 00
Medicine, including physician's extra charges	41 85
Tools for shoemaker and tailor	3 19
Iron and steel for smith work	25 11
Expenses and rewards for returned convicts	87 00
Paid prisoners discharged	55 25



Powder for quarrying	-	-	-	-	\$4 75
Hauling stone into yard to break	-	-	-	-	149 40
Incidental expenses, drayage, freight, printing, burying dead, stationery, postage, and Superintendent's expen- ses to St. Louis for cooper's tools	-	-	-	-	28 27
					<hr/> 3,403 70

The contingent expenses of the Penitentiary, from the 22d November, 1836, to the 14th April, 1837, under the wardenship of Mr. Jacob C. Bruner, amount in the aggregate, to \$717 32, as shown by the following list of items:

Clothing, and making do.	-	-	-	-	\$63 25
Bedding	-	-	-	-	7 00
Meat	-	-	-	-	59 42
Potatoes	-	-	-	-	26 50
Meal	-	-	-	-	30 25
Sugar, tea, &c.	-	-	-	-	19 50
Wood and water	-	-	-	-	132 00
Guarding	-	-	-	-	187 50
Medical attendance	-	-	-	-	78 75
Soap and candles	-	-	-	-	6 50
Rewards	-	-	-	-	45 00
Powder, printing and paints	-	-	-	-	23 43
Stationery and incidentals	-	-	-	-	38 52
					<hr/> 717 62

The contingent expenses of the Penitentiary from the 14th April to the 17th of August, 1837, amount in the aggregate to \$676 48 as shown by the following list of items:

Clothing	-	-	-	-	\$75 52
Making clothes and shoes	-	-	-	-	42 60
Bedding and cell furniture	-	-	-	-	20 00
Hats and shoes	-	-	-	-	36 25
Coffee and sugar	-	-	-	-	10 00
Meat and salt	-	-	-	-	77 62
Meal and flour	-	-	-	-	53 20
Wood and water	-	-	-	-	29 00
Potatoes and beans	-	-	-	-	10 25
Guard hire	-	-	-	-	157 50
Chains for convicts	-	-	-	-	53 50
Medical attendance	-	-	-	-	40 50
Tea	-	-	-	-	6 00
Incidental expenses for printing, and sending to Greene county for a supposed convict	-	-	-	-	65 14
					<hr/> 676 48

4,797 80

Paid expenses to Vandalia for a copy of the Act relating to the Penitentiary, passed by special session of the Legislature

13 50

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4,811 30

It appears that at the last settlement of the contingent accounts of the Penitentiary, there was owing to individuals on bills unsettled by the late Warden, the sum of

\$92 16

And to J. C. Bruner a balance of

791 62

Making

883 78

Which was paid out of the three thousand dollars appropriated for contingencies

3,000 00

Leaving a balance of

2,116 22

Two thousand one hundred and sixteen dollars and twenty two cents, to be applied and used on account of contingent expenses for the two years next succeeding.

From the foregoing statement, it will be seen that the contingent expenses of the Penitentiary from the 22d of Nov. 1836, to the 21st Nov. 1838, amount to four thousand seven hundred and ninety-seven dollars and eighty cents,

\$4,797 80

Exclusive of expense in obtaining copy of the act of Assembly, &c.

13 50

Making in the aggregate

4,811 30

To pay which there has been received—

Balance of the contingent appropriation

\$2,116 22

During the same period there has been received from other sources: *By J. C. Bruner,*

From 22d Nov. 1837, to 14th April,

1838, for convicts labor

\$109 74

Stone at the quarry

31 16

140 00

*By B. S. Enloe,* from 15th April to 17th Aug.

1837—(subsequently sold by the present superintendent)—for pounded stone & cooper ware, the sum of

162 00

*By J. R. Woods,* from the 18th August,

1837, to 21st Nov. 1838,

For convicts' labor

\$699 89

Stone at the quarry

26 75

Provisions sold

62 55

789 19

Making three thousand two hundred and eight dollars and thirty-one cents

3,208 31

Amount appropriated by inspectors from building fund

1,037 36

4,245 67

Leaving a balance due Superintendent

\$565 63

During the first nine months of the fiscal term last past, the contingent expenses amounted to		\$1,392 91
Receipts for convicts' labor during the same period	\$302 90	
Deduct stone sold at quarry	31 16	
	<hr/>	
	271 74	
From this deduct charge of Whitaker and Caswell for stone furnished B. S. Enloe to break	91 50	
	<hr/>	
		180 24
		<hr/>
Add stock on hand Nov. 22, 1836		1,211 67
		<hr/>
		180 00
		<hr/>
		1,391 67
Deduct stock on hand 18th Aug. 1837		<hr/>
		145 00
		<hr/>
Balance against Penitentiary 18th Aug. 1837		1,246 67
Amount of contingent expenses from 18th Aug. 1837, to 21st Nov. 1838,	2,403 70	
Receipts during same period	762 44	
Stock on hand	1,893 37	
Labor done for the State	611 75	
	<hr/>	
	3,267 56	
	<hr/>	
	130 14	
Add stock on hand Aug. 1837		<hr/>
		145 00
		<hr/>
Loss during the last 15 months		281 14
Add expense to Vandalia		<hr/>
		13 50
		<hr/>
		1,541 31
Deduct amount of old stock on hand		<hr/>
		45 00
		<hr/>
Showing a deficit for the last two years of		<hr/>
		<u>\$1,496 31</u>

It may be proper to remark here, that the cupboard for the prisoner's kitchen, and the two large stoves, purchased by the direction of the Inspector, and paid for out of the building fund, are not included in the account of stock on hand. They are in good order, and valued at one hundred dollars.

Permit me to call your attention to the situation of the field-pieces and their carriages, belonging to the State, now deposited in the yard.—They are but indifferently protected from the weather, and if suffered to remain much longer in their present condition, will be much injured. There are on hand 16 six-pounders, with carriages and equipments.

The following shows the amount of labor &c. expended upon State arms, not included in the foregoing account:

<i>State of Illinois, to Sup't Penitentiary,</i>		Dr.
1838. For storing and removing 20 field-pieces and fixtures		\$30 00
Building shed over same	- - - - -	10 00
Lumber for do.	- - - - -	5 00
Cleaning 300 small arms	- - - - -	3 00
Oil for do.	- - - - -	1 00
		<hr/>
		49 00
CR. By convicts' labor	- - - - -	43 00
		<hr/>
		6 00

From the preceding statement you will perceive that the expenditures of the Penitentiary for contingent purposes, under my superintendence, amount in the aggregate to three thousand four hundred and three dollars and seventy cents, - - - - - \$3,403 70

To pay which there has been received from \$3,000 00  
the contingent fund, after paying the

outstanding claims of 1836, viz:	\$92 16
Balance due Warden Nov. 22, 1836	791 62
Balance due Warden April 14, 1837	576 72
Balance due Warden Aug. 17, 1837	514 48
And expense of copy of act Assembledly 1837	13 50
	<hr/>
	1,988 48

The sum of ten hundred eleven dollars and fifty-two cents	- - - - -	1,011 52
And from the building fund the sum of		1,037 36
From other sources as per statement	- - - - -	789 19
		<hr/>

2,838 07

Balance due	- - - - -	565 63
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There is now due the Penitentiary—

On account of stone taken from the quarry in 1837	. . . . .	27 12
On account of do. do. do. in 1838	. . . . .	71 00
And for convicts' labor done in 1838	. . . . .	400 00
		<hr/>
		498 12

Of the articles purchased by me for the use of the Penitentiary, there is now on hand, viz:

Bedding and cell furniture for convicts	\$207 25
Clothing	116 50
Kitchen and eating room furniture	20 50
Tubs, meat-tubs and water barrels	12 50
Coopers and carpenters' tools	75 50
Blacksmith and stone cutters' tools	27 00
Tailors, shoemakers & turners' tools	15 00
Stone breakers and masons' do.	8 50

Pit saws and fixtures . . .	\$17 00
Yard tools and wheelbarrows . . .	8 00
Chains for convicts . . .	38 00
Pounded stone on hand . . .	750 00
Unfinished work . . .	82 00
Coffee . . .	13 50
Tea . . .	4 00
	<hr/>
	1,395 25
	<hr/>

\$1,893 37

Statement and estimate of the work done by the convicts for the State, from the 18th Aug. 1837, to the 21st Nov. 1838, exclusive of cooking, washing, cutting wood, carrying water, mending clothes and sundry other employments.

Painting warden's house and prison gallery	\$35 00
Painting & glazing eating house windows & doors	18 00
Whitewashing warden's house and eating house	10 00
Building tailors' shop, cistern and wall round	
Warden's yard . . . . .	84 00
Building eating house, and making repairs . . .	75 00
Building potatoe house . . . . .	28 00
Digging foundation for addition to prison house	102 75
Grading the hill in yard and making road . . .	75 00
Improving Warden's yard and paving walks	30 00
Making new door in yard wall, and grate windows in loft . . . . .	23 00
Glazing in Warden's house and cooper shop, making steps, &c. . . . .	17 00
Making shoes and clothes for convicts . . .	56 00
Removing and rebuilding privy . . . . .	20 00
Removing earth from outside rear of prison	5 00
Clearing away stone &c. for masons to repair main wall . . . . .	25 00
Digging ditch and banking against main wall outside . . . . .	8 00
	<hr/>

611 75

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2,505 12

762 44

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3,267 56

Add amount received for convicts' labor . . .	
Amount of contingent expenses . . .	3,403 70
Amount of credits to the Penitentiary . . .	3,267 56
	<hr/>
	136 14
Amount of stock Aug. 1837 . . .	145 00
	<hr/>
Loss during the last 15 months . . .	281 14

On the 18th August, 1837, there were in confinement eleven prisoners, and since that time I have received from the several counties hereinafter named, fifty more, and two others who had escaped from former Wardens; making in all, that have been under my care, sixty three. 63

Of these,	Ten have made their escape	-	-	10	
	Two have died	-	-	2	
	Two released by order of the Supreme Court	-	-	2	
	Four pardoned by the Governor	-	-	4	
And	Fifteen have served out their time	-	-	15—	33

Leaving Thirty now in confinement - - - 30

Of the eleven in confinement when I took charge of the Penitentiary, two had seven months—one had ten months—one had nine months—one had eleven months—one had two years and seven months—one had two years and eight months—two had two years and ten months—and two had ten months to stay. Of these, seven were discharged by expiration of sentence—one by order Supreme Court—one by pardon from the Governor—one escaped in August last—and one yet remains in confinement.

Of the fifty-two received since, one who twice effected his escape in 1835 and 1837, has served out his time	1
Three were pardoned by the Governor	3
One discharged by order Supreme Court	1
Six “ by expiration of sentence	6
Two have died	2
Nine escaped	9

Of the above sixty-three convicts— 22

The county of Madison sent	6	The county of Randolph sent	2
St. Clair	5	Clinton	2
Marion	1	Schuyler	1
Cook	12	Perry	1
Greene	2	Vermilion	1
Washington	1	Pike	1
Franklin	2	Calhoun	1
Bond	2	La Salle	1
Montgomery	1	Knox	1
Gallatin	4	Alexander	1
Will	5	Jefferson	1
Pope	3	United States' Circuit Court	1
Union	1		
Sangamon	4		

Sentenced for Larceny	-	-	-	43
Assault with intent to kill	-	-	-	7
Manslaughter	-	-	-	3
Rape	-	-	-	3
Counterfeiting	-	-	-	3
Forgery	-	-	-	1
Assault with intent to commit a rape	-	-	-	1
Robbing United States' mail	-	-	-	1
Arson	-	-	-	1

Of the thirty convicts now in confinement, there yet remain of the time for which they were sentenced:

Of Three	-	-		3	months each.
One	-	-		4	
One	-	-		4	
One	-	-		7	
One	-	-		8	
One	-	-		9	
One	-	-		12	
One	-	-	1	year	7
Four	-	-	1	do	8
Four	-	-	1	do	10
One	-	-	2	years	6
One	-	-	3	do	6
One	-	-	4	do	3
One	-	-	4	do	8
One	-	-	4	do	9
One	-	-	4	do	10
One	-	-	5	do	8
One	-	-	5	do	9
One	-	-	6	do	7
One	-	-	6	do	10
One	-	-	1	do	11
One	-	-	1	do	9

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62 years 2 months.

Seven are natives of New York—five of Kentucky—four of Ireland—three of Ohio—two of Maryland—two of England—one of New Jersey—one of Vermont—one of Massachusetts—one of Missouri—one of the West Indies—one of Scotland—and one of Illinois. The shortest term for which any convict has been committed during the last fifteen months, is eight months; the crime was manslaughter, and the convict was released in four months. The longest term for which any convict has been committed, is “for and during his natural life, and twenty-four years thereafter.” The convict was a black boy, and the crime rape. He died in three weeks after being received.

Of the thirty now in confinement, one is a mulatto—two are black men, and twenty-seven are white men. But eight had trades when they came, and only two of these now work at the same. Thirteen are married men and seventeen single. The youngest is seventeen, and the oldest is forty-five years of age. Twenty-four attribute their present misfortune to the use of intoxicating liquor. But four have ever made a profession of religion,—they were members of the Roman Catholic church. But three have ever attended Sabbath school, and but one has been a member of a Temperance society. The Sabbath, by all, has been disregarded since they came to the west.

Of the fifteen discharged by me, one is in business with his father in Kentucky; four are at work in the vicinity of this city, and these five maintain a correct and moral deportment. The others I have not heard from.

The short periods for which a majority of the criminals heretofore have been sentenced to the Penitentiary, constitutes in itself, a great hindrance to their becoming profitable to the State, particularly where they are ignorant of any mechanical branch of business. The time lost and materials wasted in the instruction of such, is an important objection to their being employed at a trade; while the probability of their attempting to escape is not thereby, in the least diminished.

At the close of my first quarter, Nov. 18, 1837, there were in confinement twenty-seven prisoners, and during that time I had kept an open account with each convict, of the actual labor performed, and the time lost by sickness, wet weather and other causes. The average of time lost by each man, was nineteen days in three months, and my estimate of work done in same period, placing the valuation at a very low rate, amounted to \$657 60.

I have been thus particular in the preceding statements, gentlemen, in order to furnish you, and through you, the next Legislature, with what may, in some measure, serve as a basis of calculation in relation to the future administration of the affairs of this Penitentiary.

When I entered upon the discharge of my duties as its Superintendent, I found every thing connected with the Penitentiary, in a very unfavorable condition. The Warden's house and yard, the prison cells and kitchen, were in disorder, and offensively dirty. The bedding and prisoners' clothes, were, with the exception of ten blankets, ten pair summer pantaloons, some few shirts, and shoes, and hats, *unfit* for use. But few of the smiths' and carpenters' tools could be found, and there was not a vestige of lumber in the yard. The greater part of the quarrying tools, and all the coopers' tools were claimed and taken away by other individuals. The prisoners' kitchen was almost destitute of the necessary utensils for cooking. Five of the eleven convicts were on the sick list; four were employed in breaking stone—one at coopering—and one at cooking.

I have made the above statement to you, without the slightest intention to reflect upon the management of my predecessor. My sole object is to account for the expenditures I found it necessary to incur.

The cooper's shop is now furnished with the requisite tools for five workmen, excepting a few articles usually furnished by the employer.—The carpenter's shop needs a considerable addition, to the tools on hand, to make a complete sett. The blacksmith's shop has the required number of tools for a moderate prosecution of said business; and the kitchen and eating room have their full complement of furniture.

There is also bedding and cell furniture in use, sufficient for twenty-five convicts through the winter, and twenty-nine heavy cotton 'comfortables,' which, with care, will last five winters.

The business at which the prisoners have been employed, has been principally that of breaking stone for McAdamising, and making cooper ware. At the latter branch of business we have had but one convict employed, who was "bred to the business;" all the others now engaged thereat, and all of those I have discharged who worked at the same business, with one exception, have learned the trade since their commitment. This department is under the immediate control of an employer who furnishes the materials, superintends the making up, and pays a given price for each manufactured article.



Owing to some cause unknown to the Superintendent, (but probably for the want of means and to the embarrassment peculiar to the times) there was not a sufficient supply of stuff and material furnished to enlarge this business to the extent I contemplated at the commencement, and consequently the amount of work done in this department has fallen far short of what it otherwise would have been.

There can be no doubt about the peculiar adaptation of the coopering business to the present condition and circumstances of this Penitentiary, and I would earnestly solicit your attention to the propriety of placing this department upon such a foundation as will secure its successful operation.

The stone-breaking I would recommend to be continued only as an alternative, when other work could not be done, and for the punishment of the refractory of those at other trades.

Manufacturing split-bottom chairs could be made a source of profit with but small expense. We have an excellent workman acquainted with the business.

Should the Legislature decide upon continuing the present organization of the Penitentiary, and it be deemed advisable to enlarge the present branches of business (which may be considered as but just commenced,) it will be necessary to repair the old shop and erect additional ones, or to remove the old one and rebuild it in a more favorable position than it now occupies, and upon a more extensive and convenient plan.

In reference to the escapes which have been effected by a number of convicts during the last fifteen months, I will remark, that I cannot charge myself with any direct negligence or omission of duty. Many of those escapes were attended with circumstances of a suspicious character. It is unnecessary to relate them here. Suffice it to say, however, that the difficulty and almost impracticability of procuring such guards as would or could enter into the feelings and realise the responsibilities and anxieties of the Superintendent, *I fully experienced*: and when you take into consideration the fact of the walls being open to the ground in two places for weeks at a time, the number of convicts on hand, the notorious reputation that many of them bore of being successful "prison breakers," and the very inadequate force at command to anticipate and counteract their plans for escape, the surprise will be to you, that *more* have not got away.

For the unusual good health enjoyed by the convicts during the past sickly season, we have great cause of gratitude to a kind and gracious Providence. We have in this respect been especially favored. The Physician of the Penitentiary, it is expected, will lay before you the result of his observations, as it regards the health of the prisoners, and his views in respect to the want of comfortable accommodations for the sick. To the promptitude, kind and unremitting attention of that gentleman, together with his successful management of the diseases common to this place, is mainly to be attributed the fact, of so few deaths having occurred among the prisoners.

Believing it to have been the paramount object of those benefactors of our race, who founded the Penitentiary system, to punish the criminal by a mere deprivation of liberty, and to reform him by the influence of means that could be used with advantage, in such a situation only, I have deemed it a duty to afford the convicts every facility which lay in

my power, to receive moral and religious instruction; and accordingly solicited the services of a number of the Clergy in this neighborhood, and which I am happy to say, has been cheerfully rendered, and so far as I have been able to judge, beneficial to the prisoners generally. A Sabbath school was also commenced in the fall of 1837, and with some few intermissions, has been regularly sustained, and the result has been that, of seven who were ignorant of the alphabet, four were tolerable readers when I discharged them, and the remaining three can read in the Spelling book. The "Methodist Book Concern," in this city, made a donation for the use of the convicts, of twelve Bibles, and the clergy of that denomination have manifested a very laudable interest in behalf of the prisoners. The other books and papers used by the convicts, with the exception of the Temperance Herald—ten copies of which are circulated monthly among them—have been taken from my own library. If a variety of moral and religious books were kept for the use of the convicts, it would evidently add to their comfort, and contribute greatly towards preparing them for usefulness in society, when discharged.

Your obedient servant,

November 22, 1838.

J. R. WOODS, *Sup't.*

ALTON, November 27, 1838.

GENTLEMEN: As a matter of justice to Mr. John R. Woods, present Superintendent of the Penitentiary, I have thought it proper to give my views of his management so far as it has come under my observation.

First—The health of the convicts has been unusually good, considering the unhealthiness of the past season; there has been much less sickness among them, in proportion to their number, than among the inhabitants of the city. This is the more singular, when we recollect that there is no ward appropriated to the sick, and they are compelled to lie in their *cells* or in the *cellar* of the main building, either of them very unfit places for a sick man.

Second—That their *food* has been *healthy* and *sufficient* for them, their constant good health and ability to work, affords abundant evidence.

Third—That their discipline has been thorough and effectual, is satisfactorily proved by the quiet, industrious and obedient demeanor of the convicts.

Fourth—It seems to me that it is not to be wondered at so much, that so many escapes have been made, as that there have not been more, when it is recollected that the building and walls have been in an unfinished state, and that, as I am informed, not very ample means are at the disposal of the Superintendent, to keep up, day and night, a vigilant and adequate guard; and,

Fifth—After being an almost daily and not an inattentive observer of the manner in which the present Superintendent has conducted the affairs of the establishment, I cannot do otherwise than give it, as my deliberate opinion, that he deserves well of those who employed him; and that so far as success for the past is concerned, he is well entitled to be continued in his present situation.

With great respect, gentlemen, your obedient servant,

B. K. HART, *Physician to the Penitentiary.*

GEORGE SMITH and B. F. EDWARDS, *Inspectors.*

The report was read in part; when,

On motion of Mr. Read,

The further reading thereof was dispensed with, the report laid on the table, and 150 copies ordered to be printed.

A message from the Senate, by Mr. Covell, their Assistant Secretary:

*Mr. Speaker:* I am directed to inform the House of Representatives, that the Senate have concurred with them in the passage of a resolution having for its object the appointing a joint select committee to draft and report joint rules for the government of the two Houses; and have appointed Messrs. Thomas and Gatewood the committee on the part of the Senate. And then he withdrew.

The Speaker laid before the House the report of Archibald Job and A. G. Henry, State House Commissioners, showing the progress of said work, &c., which was read in part, when,

On motion of Mr. Carpenter,

The further reading thereof was dispensed with, and

On motion of Mr. Calhoun,

Referred to the committee on Public Accounts and Expenditures.

On motion of Mr. Hardin,

The resolutions some days since proposed by him, inquiring into the arrangement and expenses of the internal improvement system, and which were laid upon the table, were taken up for consideration.

On motion of Mr. Murphy of Vermilion,

The fourth resolution was amended by adding after the word "expended," the following, viz:

"Specifying the district in which each item of expense accrued, and in which each engineer, agent, clerk, or hand is employed, giving the comparative costs of the contracts on the different roads; and in answering each of these inquiries, designate districts: and also the amount of damages already recovered from the State for the "right of way" in the different districts; together with the number of suits now instituted and undetermined against the State for the "right of way;" also the number of members of this General Assembly who have been receiving a salary from said Board, designating the employment and the amount of the salary; also the quantity of land purchased for the State by said Board, and the cost of the same, including the depot lands, stating the location of the same, and the probable value at this time."

On motion of Mr. Stapp,

The third resolution was amended by adding at the end thereof, the following, viz:

"And also that the Fund Commissioners be required to report to this House the amount of moneys paid to those counties through which no railroad or canal passes, specifying particularly the amount paid, if any, to each county."

On motion of Mr. French,

The third resolution was further amended by adding at the end thereof, the following, viz:

"And also that the Fund Commissioners report in what manner the unexpended balance of the money borrowed for the purpose of internal

improvements is employed—whether placed in Bank upon special deposit, or used as a fund for Bank issues and loans.”

On motion of Mr. Hardin,

The resolutions were amended as follows, viz:

Add at the end of 4th resolution: “Also what branch railroads have been ordered to be made by the Board, their length, the estimated cost of construction, and estimated cost of depots, cars, and appendages necessary for the same; also what number of acres of land have been entered by the Board for the State, their cost, including expenses of examination and survey; and also the estimated value of the same at this time.”

Add after the word “built,” in 5th paragraph of the 4th resolution, the words “or purchased.”

The resolutions as amended were then adopted.

Mr. Moore asked and obtained leave to introduce a bill, entitled “An act to vacate the town of Peru, in McLean county;” which was read the first time, and

*Ordered* to a second reading.

Mr. Naper presented the petition of sundry citizens of Chicago and Cook county, praying the repeal of so much of the act incorporating the town of Chicago as establishes the Municipal Court of said town; the reading of which was, on his motion dispensed with, and referred to a select committee.

*Ordered*, That Messrs. Naper, Baker, and Churchill, be that committee.

Mr. Carpenter presented the petition of sundry citizens, praying the establishment of a State road from McLean store to Mount Vernon; the reading of which was, on his motion, dispensed with, and the same referred to a select committee.

*Ordered*, That Messrs. Carpenter, Pace, and Allen of Franklin, be that committee.

Mr. Churchill asked and obtained leave to introduce a bill, entitled “An act to provide for the collection of demands growing out of contracts for sales of the possession of the public lands;” which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Johnson,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of taking such measures as to cause the School Fund to yield a greater amount of dividend, either by causing the State to pay a higher rate of interest, by making bank stock of the whole of it, or otherwise of distributing it among the several counties; and that they have leave to report by bill or otherwise.

On motion of Mr. Copland,

*Resolved*, That the Committee on Education be directed to inquire into the propriety of diminishing the College Fund, and add part thereof to the common School Fund; and that they report by bill or otherwise.

On motion of Mr. George Smith,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of making the cutting of timber on School, State, or individual lands, a penal offence; and to report to this House by bill or otherwise.

Mr. Moore proposed for adoption the following:

*Resolved*, That the committee on Education be instructed to inquire in-

to the expediency of printing, in a separate volume; the several acts and parts of acts now in force in this State relative to common schools, and that they report by bill or otherwise; which being read was,

On motion of Mr. Hardin,

Laid on the table.

Mr. Robert Smith proposed for adoption the following resolution, viz:

*Resolved by the House of Representatives, the Senate concurring herein,* That the Board of Commissioners of Public Works cause to be surveyed, by such competent Engineers as can be spared from the Public Works, the Mississippi river, between Alton and Smeltzer's ferry, for the purpose of a site for a bridge across said river, and that they report to the next General Assembly the practicability of the construction of said bridge, and, if practicable, the cost of the same; and, also, the cost of constructing a McAdamised road along the bank of the river from Alton to said site; and should the report be in favor of said bridge, it shall be the duty of said Board to publish said report and furnish a copy of the same to the Chief Engineer of the United States, and to each of our Senators and Representatives in Congress.

On the question—"Shall said resolution be adopted?"

It was decided in the negative.

Mr. McMillan proposed for adoption the following:

*Resolved by the House of Representatives,* That we disapprove the appointing of members of the Legislature to any office, agency, or trust, during the time for which they may have been elected.

On motion of Mr. Williams,

The resolution was laid on the table.

On motion of Mr. Happy,

The papers some days since laid upon the table in relation to a contested election in Edwards county, were taken up, and referred to the committee on Elections.

And then the House adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

And there not being a quorum present, the House adjourned.

MONDAY, DECEMBER 10, 1838.

House met pursuant to adjournment.

Harmon Alexander, a representative from the counties of Crawford and Jasper, appeared, was qualified and took his seat.

Mr. Henderson presented the petition of sundry citizens of Putnam county, praying a division of said county, and the erection of a new county; the reading of which, was, on his motion, dispensed with, and the same referred to the committee on Counties.

Mr. Read presented two several petitions in relation to the State roads leading from Golconda to Pinckneyville, and from Golconda to St. Louis;

the reading of which was, on his motion dispensed with, and referred to a select committee.

*Ordered*, That Messrs. Read, Copland and Bainbridge, be that committee.

Mr. Stapp presented the petition of sundry citizens, praying the establishment of a State road from Hennepin to Knoxville; the reading of which was, on his motion dispensed with, and referred to the committee on State Roads.

Mr. McCutchen presented the petition of sundry citizens, praying the establishment of a State road from Springfield to Macomb; the reading of which was, on his motion dispensed with, and referred to the committee on State Roads.

Mr. Menard presented the petition of the President and Directors of the Kaskaskia Bridge Company, praying a repeal of a part of the charter of said Company; the reading of which was, on his motion dispensed with, and referred to a select committee.

*Ordered*, That Messrs Menard, Morgan, and Lincoln, be that committee.

On motion of Mr. Craig,

*Resolved by the House of Representatives, the Senate concurring herein*, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure an appropriation, sufficient to put all the unsurveyed lands in the State of Illinois under immediate contract, and that they urge on the Commissioner of the General Land Office the necessity of prompt attention to this subject, in order, that the numerous settlers thereon may be enabled to procure the lands on which they reside.

*Resolved*, That the Governor of the State be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress, and to the Commissioner of the General Land Office.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence therein.

On motion of Mr. Murphy of Cook,

The following preamble and resolutions were adopted, viz:

Whereas, notice has been given in the public papers that a meeting of the stockholders of the city, and Bank of Cairo, will be held at Kaskaskia, on the 26th day of December, instant, for the purpose of electing thirteen directors of said Bank:

*Resolved*, That a select committee be appointed, with power to send for persons and papers, to inquire, and report to this House—first, whether the act incorporating the said city and Bank of Cairo, be still in full force and effect; secondly, whether the company, claiming to be incorporated under the title of the City and Bank of Cairo, are the original corporators, or their legal representatives; thirdly, whether the capital of said Bank has been paid, and all the provisions of its charter complied with in the manner prescribed by law.

*Ordered*, That Messrs. Murphy of Cook, Gouge, and Happy, be that committee.

Mr. Williams proposed for adoption the following resolution, viz:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of collecting the State revenue in gold and silver ex-

clusively, and to provide for its safe keeping and disbursement by the officers collecting the same.

Mr. Carpenter moved to lay the resolution on the table; which was decided in the negative, by yeas and nays as follows, upon the call of Messrs. Cloud and George Smith, viz:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Compher, Copland, Crain, Edmonston, Edwards, English, Ficklin, Fisk, Foster, French, Hankins, Harris, Houston, Hull, Johnson, Kercheval, Logan, Maus, Moore, Morgan, Murphy of Cook, Murphy of Perry, Naper, Robinson, Roman, Robert Smith of Madison, Thomas of St. Clair, and Zimmerman—35.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Greene, Archer, Baker, Cloud, Craig, Daley, Dawson, Dubois, Dunn, Elkin, Emmerson, Flood, Gilham, Gouge, Green of Greene, Happy, Hardin, Henderson, Huey, Holmes, Jarrot, Jones, Kent, Lincoln, Lyons, McCormick, McCutchen, McMillan, McWilliams, Menard, Murphy of Vermilion, Otwell, Pace, Philips, Rawalt, Read, Roberts, Smith of Wabash, Geo. Smith of Madison, Stapp, Thomas of McLean, Thornton, Walker of Fulton, Walker of Vermilion, Webb of Alexander, Webb of White, Williams, and Mr. Speaker—50.

On motion of Mr. Cloud,

The resolution was amended by striking out the word "Judiciary," and inserting "Finance."

Mr. Allen of Greene moved to amend the resolution by striking out all after the word "exclusively;" which was not agreed to.

The resolution as amended was then adopted.

On motion of Mr. Robert Smith,

*Resolved*, That the use of this Hall be tendered to Rev. Mr. Huntington, on Saturday evening next, for the purpose of delivering a lecture on the Prussian School System, and that he be allowed to occupy the Hall, when not occupied by the House, for the purpose of continuing his lectures on the same subject.

Mr. Walker of Vermilion, from the select committee to which was referred a certain petition, introduced a bill, entitled "An act to vacate a part of the Shelbyville and Danville State road;" which was read the first time, and

*Ordered* to a second reading.

Mr. Robinson asked and obtained leave to introduce a bill for "An act declaring a certain road, in Wayne county, a State road;" which was read the first time, and

*Ordered* to a second reading.

Mr. Walker of Vermilion asked and obtained leave to introduce a bill for "An act for the appropriation of the Vermilion Saline lands and the moneys arising from the sales thereof;" which was read the first time, and

*Ordered* to a second reading.

Mr. Moore, from the select committee, to which was referred a certain petition, reported a bill for "An act to relocate a State road in McLean county;" which was read the first time, and

*Ordered* to a second reading.

Mr. Murphy of Vermilion asked and obtained leave to introduce a bill for "An act to incorporate the town of Danville;" which was read the first time by its title, the rule being dispensed with,

On motion of Mr. Ficklin, and

*Ordered* to a second reading.

Mr. French asked and obtained leave to introduce a bill, entitled "An act to relocate a State road in the town of Grand View;" which was read the first time, and

*Ordered* to a second reading.

Mr. Rawalt proposed for adoption the following resolution, viz:

*Resolved*, That three thousand copies of the Journals of this House for the present session be ordered to be printed.

On motion of Mr. Williams,

Said resolution was laid on the table.

Mr. Aldrich asked and obtained leave to introduce a bill for "An act to incorporate the Warsaw University of Illinois;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Dubois,

*Resolved*, That the Doorkeeper be allowed to call to his assistance any suitable person, as assistant Doorkeeper.

The bill, entitled "An act to vacate the town of Peru, in McLean county;" was read the second time, and

*Ordered* to be engrossed for a third reading.

The bill, entitled "An act to provide for the collection of demands growing out of contracts for sales of the possession of the public lands," was read the second time, and

On motion of Mr. Webb of Alexander,

Referred to the committee on the Judiciary.

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. George Smith asked and obtained leave to introduce a bill, entitled "An act allowing limited and special partnerships;" which was read the first time, and

*Ordered* to a second reading.

Mr. Cunningham presented the petition of sundry citizens of this State, praying a change in the State road leading from the Wabash river, in Crawford county, to Shelbyville, in Shelby county; the reading of which was, on his motion, dispensed with, and the same referred to a select committee.

*Ordered*, That Messrs. Cunningham, Archer, and McMillan, be that committee.

On motion of Mr. Dawson,

*Resolved by the House of Representatives*, That the committee on the Judiciary be instructed to inquire into the constitutionality of unnaturalized aliens voting at elections held by the authority of the laws of this State; and they be required to report by bill or otherwise.



Mr. Happy moved that the House adjourn; which was not agreed to.

On motion of Mr. Stapp,

*Resolved by the House of Representatives*, That the committee on Education be instructed to inquire into the expediency and necessity of revising and amending the several School laws of this State: and, also, that they inquire into the expediency of abolishing the office of School Commissioner and requiring the duties now performed by the School Commissioners, to be performed by the several clerks of the county commissioners' courts; and that they report by bill or otherwise.

And then the House adjourned.

## TUESDAY, DECEMBER 11, 1838.

House met pursuant to adjournment.

Mr. Robert Smith presented the petition of the Directors of the Alton Marine and Fire Insurance Company, praying the Legislature to pass a supplemental act, &c.; the reading of which was, on his motion dispensed with, and the same referred to a select committee.

*Ordered*, That Messrs. R. Smith, English, and Jarrott, be that committee.

Mr. Craig presented the petition of H. W. Cleveland and others, praying the privilege of building a toll-bridge and causeway across the Winnebago swamp, in Ogle county; the reading of which was, on his motion, dispensed with, and the same referred to a select committee.

*Ordered*, That Messrs. Craig, Kent. and Compher, be that committee.

Mr. McCutchen presented the petition of the President and Secretary of the Rushville Railroad Company, praying an alteration in their charter; which was read, and, on his motion, referred to a select committee.

*Ordered*, That Messrs. McCutchen, Williams and Stapp, be that committee.

Mr. Webb of White presented the petition of sundry officers of independent companies in this State, praying to be authorized to form a large body of mounted men, to consist of lancers, &c.; the reading of which was, on his motion, dispensed with, and the same referred to a select committee.

*Ordered*, That Messrs. Webb of White, Robinson, Dunn, and Emmer-son, be that committee.

Mr. Holmes presented the petition of sundry citizens of this State, praying the establishment of a State road from Jacksonville, in Morgan county, to Havana, in Tazewell county; the reading of which was, on his motion, dispensed with, and referred to the committee on State roads.

Mr. McWilliams presented the petition of sundry citizens of Pike and Adams counties, praying a review and relocation of a part of the State road leading from Quincy to Philips's ferry; the reading of which was, on his motion, dispensed with, and the same referred to a select committee.

*Ordered*, That Messrs. McWilliams, Allen of Greene, and Harris, be that committee.

Mr. Menard, from the select committee to which was referred a certain petition, reported a bill, entitled "An act to repeal part of the act, entitled an 'Act to incorporate the Kaskaskia Bridge Company;'" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Allen of Greene,

*Resolved*, That the Governor be invited to take a seat within the Bar of this House during its sittings.

On motion of Mr. Walker of Vermilion,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of empowering the circuit courts, in all cases of appeal, to give damages in addition to interest, in all cases where they are convinced that the appeal was taken for delay only.

On motion of Mr. Henry,

*Resolved*, That so much of the Governor's Inaugural Address as relates to the school fund be referred to the committee on Education; that that part which relates to internal improvements be referred to the committee on Internal Improvements; that that part which refers to the improvement of the river bottoms be referred to the committee on Agriculture and Manufactures; and that that part which relates to the currency be referred to the committee on Finance.

Mr. Pace proposed, for adoption, the following resolution:

*Resolved*, That the committee on Finance be instructed to inquire into the expediency and propriety of repealing so much of an act, entitled "An act regulating the interest on money," approved February 28th 1833, as limits the rate of interest to twelve per cent. per annum, where a higher rate of interest shall have been agreed on; and that they report by bill or otherwise; which was not agreed to.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have adopted the following resolutions, viz:

*Resolved*, That as a testimonial of respect to the memory of the Hon. Peter Pruyn, recently a member of this House, now deceased, the members of this House will wear the usual badge of mourning for thirty days; that the unanimous condolence of this House in the melancholy bereavement of the family of the Hon. Peter Pruyn, under the affliction of his loss, be communicated to them.

*Resolved*, That the Secretary of the Senate inform the House of Representatives hereof.

*Resolved*, As a further testimonial of respect to the memory of the deceased, that the Senate adjourn until to-morrow. And then he withdrew.

Another message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed to inform the House of Representatives, that the Senate have concurred with them in the adoption of the resolution of the House requesting our Senators and Representatives in Congress, to obtain a law, at its present session, directing a survey of the navigable waters of the northern and western lakes, &c. And then he withdrew.

The Speaker laid before the House a communication from the Auditor of Public Accounts, in compliance with a resolution of the 8th instant, enclosing copies of the reports made by the Fund Commissioners

to said Auditor; which was read, as well as the accompanying documents; and,

On motion of Mr Henry,  
Laid on the table.

Mr. Carpenter, from the committee on Elections, to which was referred sundry papers of the contested election from Edwards county, reported that they had had the same under consideration, and had directed him to report the same back to the House, and ask to be discharged from the further consideration of the subject.

Mr. Hardin moved to amend the report as follows, viz:

*Resolved*, That Allen Emmerson is entitled to a seat in this House, as a representative from the county of Edwards.

Mr. Walker of Vermilion moved to refer the whole subject to a committee of the Whole House, and make it the special order of the day for Thursday next; which was not agreed to.

The question was then taken upon discharging the committee on Elections from the further consideration of the subject, and decided in the negative.

Mr. Henderson moved to recommit the papers to the committee on Elections, with instructions that they report the person entitled to a seat within this House.

Mr. Williamis called for a division of the question.

The question was then taken upon recommitting, and decided in the affirmative.

The question was then taken upon giving the instructions asked, and decided in the negative.

Mr. Robert Smith asked and obtained leave to introduce a bill, entitled "An act to incorporate the Illinois Mutual Fire Insurance Company;" when,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The resolutions from the Senate, in relation to the death of the Hon. Peter Pruyne, were read, and unanimously concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

And then the House adjourned.

WEDNESDAY, DECEMBER 12, 1838.

House met pursuant to adjournment.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have adopted joint rules for the government of the two Houses; in the adoption of which they ask the concurrence of the House of Representatives. And he withdrew.

The Speaker laid before the House additional papers in relation to the contested election in Edwards county;" which were read in part, when,

On motion of Mr. Williams,

The further reading thereof was dispensed with, and the same laid on the table.

The bill introduced by Mr. R. Smith on yesterday, and which was not read, entitled "An act to incorporate the Illinois Mutual Fire Insurance Company," was read the first time, and

*Ordered* to a second reading.

A message from the Governor, by A. P. Field, Esq. Secretary of State:

*Mr. Speaker:* I am directed by the Governor to lay before the House of Representatives a written communication. And he withdrew.

Mr. Murphy of Perry presented the petition of sundry citizens of Perry county, praying a change in part of a State road leading from Pinckneyville to Kaskaskia; the reading of which was, on his motion, dispensed with, and the same referred to a select committee.

*Ordered*, That Messrs Murphy of Perry, Crain, and Pace, be that committee.

Mr. Edmonston presented the petition of sundry citizens of McDonough county, praying an alteration in a certain State road therein named; the reading of which, was, on his motion, dispensed with, and the same referred to a select committee.

*Ordered*, that Messrs. Edmonston, Brown, and Rawalt, be that committee.

Mr. Carpenter presented the petition of sundry citizens of Hamilton county praying that Robert Barnett have liberty to retail spirits and groceries without license; which was read, and, on his motion, referred to the committee on claims.

Mr. Huey presented the petition of Louisa Goodman and others, praying the Legislature to pass an act divorcing said Louisa from her husband, Henry B. Goodman; which was read.

Mr. Huey moved its reference to a select committee.

Mr. Murphy of Vermilion moved its reference to the committee on the Judiciary; which was not agreed to.

The petition was then referred to a select committee.

*Ordered*, That Messrs. Huey, Jarrott, and Carpenter, be that committee.

Mr. Murphy of Vermilion presented the petition of Thomas C. Forbes, praying to vacate a part of the plat of an addition to the town of Danville; the reading of which was, on his motion, dispensed with, and the same referred to a select committee.

*Ordered*, That Messrs. Murphy of Vermilion, McMillan and Ficklin, be that committee.

The communication from the Governor, received this morning, was then taken up, together with the accompanying document.

Said communication was read, and is as follows, viz:

EXECUTIVE DEPARTMENT,

Vandalia, Dec. 11, 1838.

SIR: A resolution of the House of Representatives of the 7th instant, calling upon this Department for a detailed statement of the whole amount of money expended in the construction of the Illinois and Michigan canal,

the amount of work done, and such other information in relation to said work as might be in my possession, has been laid before me; and in answer to said resolution, I have the honor to state that, in order to obtain all the information contemplated in your resolution, I addressed a letter to the late President of the Board of Canal Commissioners, requesting him to furnish me, at the earliest possible period, all the information desired by your resolution. His answer to my request is herewith enclosed. I shall as soon as I receive the report of the commissioners of that work, which I understand is now in a state of rapid progress, promptly communicate all the information it contains, and such other information as I may be able to obtain in relation to the progress and situation of that important work.

I have the honor to be, sir,

Your obedient servant,

THOMAS CARLIN.

Hon. the SPEAKER of the  
*House of Representatives.*

The communication from Gen. Wm. F. Thornton, late President of the Board of Canal Commissioners was then read; when,

On motion of Mr. Dawson,

Both communications were referred to the committee on Canals and Canal Lands.

Mr. Moore, from the committee on Counties, to which was referred a certain petition, reported a bill, entitled "An act to establish the county of Marshall;" which was read the first time, and

*Ordered* to a second reading.

Mr. Webb of Alexander, from the committee on Finance, to which was referred a certain resolution, reported that they had had the same under consideration, and had directed him to report the following resolution, and ask the concurrence of the House therein, viz:

*Resolved*, That it is inexpedient to collect the State revenue in gold and silver exclusively, and to provide for its safe keeping and disbursement, by the officers collecting the same.

On the question—"Will the House concur with the committee in the adoption of the resolution?"

It was decided in the affirmative, by yeas and nays as follows, upon the call of Messrs. Williams and Hardin, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Archer, Baker, Bainbridge, Calhoun, Carpenter, Churchill, Cloud, Compher, Copland, Craig, Cunningham, Dawson, Dubois, Dunn, Edmonston, Edwards, Elkin, Ellicott, Emmerson, Ficklin, Flood, Foster, Gilham, Gouge, Hardin, Harris, Henderson, Henry Holmes, Houston, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kercheval, Lincoln, Logan, Lyons, McCormick, McCutchen, McMillan, McWilliams, Maus, Menard, Moore, Morgan, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Pace, Philips, Rawalt, Read, Roberts, Robinson, Roman, Smith of Watash, G. Smith of Madison, R. Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Fulton, Walker of Vermilion, Webb of Alexander, Webb of White, Williams, Zimmerman, and Mr. Speaker—76.

Those who voted in the negative are,  
Messrs. Allen of Greene, Brown, Craine, Daley, English, Fisk, Green  
of Greene, Hankins, and Happy—9.

A message from the Governor, by A. P. Field, Secretary of State:

*Mr. Speaker:* I am directed by the Governor to lay before the House  
of Representatives a written communication. And he withdrew.

Mr. Murphy of Vermilion presented the petition of Benj. S. Enloe,  
late Warden of the Penitentiary, praying for relief; which was read, and,  
on his motion, referred to a select committee of seven.

*Ordered,* That Messrs. Murphy of Vermilion, Otwell, Copland, Fisk,  
Dawson, Hull, Gilham, and Allen of Greene, be that committee.

Mr. Ficklin, from the committee on Education, made the following report,  
viz:

The committee on Education, to which was referred a resolution requiring them to inquire into the expediency of abolishing the office of School Commissioner, and requiring the duties of said officer to be performed by the clerks of the county commissioners' court, have instructed me to report unfavorably to the objects of said resolution, and ask to be discharged from its further consideration.

On the question—"Shall the House discharge said committee from the further consideration of the subject?"

It was decided in the affirmative.

The joint rules for the government of the two Houses, as adopted by the Senate, were then taken up for consideration; which are as follows:

#### JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

1. In every case of amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall, at a convenient hour, to be agreed upon by their Chairman, meet at some convenient place, and state to each other verbally, or in writing, as either shall choose, the reason of their respective Houses for and against the amendment, and interchange propositions for modifications to meet the sense of the two Houses, and confer freely thereon.

2. When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the Doorkeeper, and shall be respectfully communicated to the Chair, by the person by whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Senate.

4. Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

5. After each House shall have adhered to their disagreement, a bill or resolution shall be lost.

6. While bills are on their passage between the two Houses, they shall be under the signature of the Secretary or Clerk (as the case may be) respectively.

7. After a bill has passed both Houses, it shall be enrolled before it is presented to the Council of Revision.

8. When bills are enrolled they shall be examined by a joint committee

of two from the Senate and three from the House of Representatives, appointed as a standing committee for that purpose; who shall carefully compare the enrolled bills with the engrossed bills so passed by the two Houses, correct any errors which may be discovered in the enrolled bills, and make their report, forthwith, to their respective Houses—the Secretary or Clerk having previously certified on the margin of the roll in which House it originated.

9. After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the House of Representatives, and then by the Speaker of the Senate.

10. After a bill shall have been signed by the Speakers of both Houses, it shall be presented by said committee to the Council of Revision for their approbation. The said committee shall report the day of presentation to the Council of Revision; which time shall be carefully entered on the journal of each House.

11. All resolutions and memorials, which are to be presented to the Governor, shall be previously enrolled, examined, signed, and presented by the same committee, reported, and an entry thereof made, as provided in case of bills.

12. When a bill or resolution, which shall have passed one House, is rejected in the other, information thereof shall be given to the House in which the same shall have passed.

13. When the consideration of any bill, memorial, or resolution, which has originated in one House, shall be postponed, in the other House, to a day so distant that it will not be taken up at the present session, the House in which such bill, memorial, or resolution, shall have originated, shall be forthwith informed of such postponement.

14. When a bill, memorial or resolution, which has passed one House is rejected in the other, it shall not again be introduced during the same session, without a notice of three days, and leave of the House in which it shall be renewed.

15. Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

16. All joint elections shall be in the Hall of the House of Representatives, and the members shall vote *viva voce*, except where the Constitution has provided otherwise; and when the election is by joint ballot, the Speaker shall appoint one member of each House as tellers; and in all cases, a majority of the votes given shall be requisite to constitute an election.

17. Whilst the two Houses are acting together upon elections or otherwise, questions of order shall be decided by the Speaker of the House, subject to an appeal to both Houses, as though but one body was in session. A call of the members of either House may be had in joint meeting, by order of the House in which the call is desired.

18. Motions to postpone or adjourn shall be decided by joint vote of both Houses; and the yeas and nays upon such motions, if required, shall be entered upon the journal of both Houses.

19. Upon questions arising requiring the separate decision of either House, the Senate shall withdraw until the decision is made, provided that a question upon motions for calls of either House shall not come within the provisions of this rule.

20. Each House shall have the liberty of ordering the printing of bills, messages, and reports, without the consent of the other.

On motion of Mr. Flood,

The reading thereof was dispensed with.

On the question—"Will the House concur with the Senate in the adoption of said rules?"

It was decided in the affirmative.

*Ordered*, That the Clerk inform the Senate thereof.

On motion of Mr. Ficklin,

*Ordered*, That 200 copies of the rules of this House, the joint rules for the government of the two Houses, and the standing committees of the House, be printed in pamphlet form for the use of the House.

The communication last received from the Governor was then taken up, read, and is as follows, viz:

EXECUTIVE DEPARTMENT,

*Vandalia December 12, 1838.*

SIR: In compliance with the request of the Executives of the States of Georgia and Alabama, I have the honor herewith to enclose to you the reports and resolutions of the Legislatures of said States, upon the subject of the refusal of the State of Maine to surrender certain fugitives from justice to the Executive authority of the State of Georgia, and upon the subject of the annexation of Texas to the United States; which you will please to lay before the House of Representatives, over which you have the honor to preside.

I have the honor to be, sir,

Your obedient servant,

THOMAS CARLIN.

To Hon. the SPEAKER of the  
*House of Representatives.*

On motion of Mr. Hardin,

The reading of the report and resolutions in relation to the annexation of Texas to the Union was dispensed with, and laid on the table.

The report and resolutions in relation to the Governor of Maine refusing to surrender certain fugitives from justice on the request of the Executive of Georgia, were read, and,

On motion of Mr. Dawson,

Referred to the committee on the Judiciary.

Mr. Carpenter, from the committee on Elections, to which was recommended the case of the contested election from Edwards county, made the following report:

That they have had the same under consideration, and from the election returns of that county, procured from the Secretary's office, find that Allen Emmerson, who now has his seat, had 136 votes, and Wm. Pickering 124 votes, making a majority in favor of Emmerson of 12 votes. Your committee find, by the examination of depositions, that Emmerson has five illegal votes, which reduces his legal number to 131 votes; and also find that Wm. Pickering had 3 illegal votes, which reduces his number of legal votes to 121 votes: and it is further proven by the deposition of one voter, that he voted for Wm. Pickering, whose vote had been placed, by the clerk, to Mr. Thompson; to which vote your committee believe Pickering is entitled, and which, so counted, would make for Pickering 122 votes; from



which it will be seen that Emmerson has a majority of nine votes. Your committee are of the opinion that there are no other matters proved that affect the case, unless that of closing the polls; and it appears, from the evidence adduced, that, for the purpose of taking in all the votes, the polls were kept open until about the hour of nine o'clock at night; at which time they were closed, on a proclamation that in fifteen minutes the polls would be closed. It is further proved that Mr. Pickering requested that the polls should not be closed until 12 o'clock at night, and that he stated there were other persons wishing to vote. And it was also proved that there was one voter who intended to vote, if the polls had not been closed until 12 o'clock. It is also proved, by the deposition of the judges and clerk of said election and the constables that attended on said election, that they believed the votes of all the legal voters who wished to vote were taken in at the time of closing the polls. And it further being proved to your committee that the voter, above referred to, might have voted before the polls were closed, if he had sought opportunity, as others did; and it not being proved that there were voters enough, who wished to vote, to have changed the result, your committee are of the opinion that Allen Emmerson is entitled to a seat; and therefore submit the following resolution, in which they ask the concurrence of the House:

*Resolved*, That Allen Emmerson is entitled to a seat in this Legislature, as a representative from the county of Edwards.

On the question—"Will the House concur with the committee in their report?"

It was decided in the affirmative.

Mr Smith of Wabash proposed for adoption the following, which was rejected, viz:

*Resolved*, That the 46th rule of the House be amended by adding after the words "on counties," the following, viz: "on corporations."

On motion of Mr. Moore,

*Resolved*, That the committee on State roads be instructed to inquire into the expediency of amending the road law of this State, and of printing the same in a separate volume for the use of the supervisors throughout the State; and that they report by bill or otherwise.

Mr. George Smith proposed for adoption the following resolution, which was rejected, viz:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of repealing so much of the "Act concerning judgments and executions," approved January 19th, 1825, as makes it lawful for any judgment creditor to redeem lands or tenements that may have been sold by virtue of any execution; and that they report by bill or otherwise.

And then the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Gouge,

The following preamble and resolutions were unanimously adopted, viz:

It having pleased Divine Providence to remove from his earthly existence, Doctor William G. Reddick, a member elect of this House:

*Resolved*, That the members of this House will wear the usual badge of mourning for thirty days.

*Resolved*, That this House do sincerely condole with his afflicted relatives on their melancholy bereavement.

*Resolved*, That the clerk of the House inform the Senate of the adoption of the foregoing resolutions.

*Resolved*, That in testimony of respect to the memory of the late Doctor Wm. G. Reddick, the House do now adjourn.

THURSDAY, DECEMBER 13, 1838.

House met pursuant to adjournment.

The Speaker laid before the House the biennial report of the Auditor of Public Accounts, made in pursuance of law; the reading of which was, on the motion of Mr. Dawson, dispensed with, laid on the table and one thousand copies ordered to be printed for the use of the House.

Which report is as follows:

To the Hon. the SPEAKER  
*of the Senate.*

SIR: In pursuance of the 9th section of "An act to consolidate the act relative to the Auditor and Treasurer, and election of Attorney General," I have the honor to submit to the General Assembly the following report.

I am very respectfully, sir,

Your obd't. serv't.

LEVI DAVIS,

*Auditor of Public Accounts.*

Dr. *John D. Whiteside, State Treasurer, in account with the State Bank of Illinois.* Cr.

For balance on the 30th day of June, 1837	\$92 15	By amount deposited in the State Bank of Illinois, from the 30th day of June, 1837, to 1st December, 1838	\$126,715 05
For amount received from non-residents from the 30th day of June, 1837, to 1st day of December, 1838	12,077 49	By amount of interest allowed on State paper paid into the Treasury	89 64
For amount of redemption money received during same period	532 79	By amount of State paper burned	268 00
For amount received from revenue clerks	33,170 88		
For amount received from sheriffs	4,422 04		
For amount received from the commissioners of the school fund	26,200 00		
For amount received from the citizens of Springfield on their bond	33,333 34		
For amount received for debts due the old State Bank and Branches	169 00		
For amount received from the State Bank of Illinois, being half per cent. on her capital stock paid in	7,075 00		
For amount received from the State Bank of Illinois, being the semi-annual dividends, declared in the months of December, 1837, and June, 1838, on \$100,000 of stock owned by the State	10,000 00		
	<u>\$127,072 69</u>		<u>\$127,072 69</u>

For amount due on settlement, the 30th day of June, 1837	-	\$289,669 51	By amount of warrants paid from 30th day of June, 1837, to 1st day of December, 1838	-	\$534,700 21
For amount deposited to the credit of the State, from the 30th day of June, 1837, to 1st day of December, 1838	-	226,021 45			
For amount to balance	-	19,009 25			
		<u>\$534,700 21</u>			<u>\$534,700 21</u>
			1838.		
			Dec. 1, By balance due the Bank this day		\$19,009 25

## REDEMPTION ACCOUNT.

Amount of redemption money in the Treasury on the 30th day of June, 1837	-	\$1,647 92	Amount of redemption money paid out from 30th day of June, 1837, to 1st day of December, 1838	-	\$151 36
Amount of redemption money received from 30th day of June, 1837, to 1st day of December, 1838	-	532 79	Amount to balance	-	2,029 35
		<u>\$2,180 71</u>			<u>\$2,180 71</u>
Balance of redemption money in the Treasury on the 1st day of December, 1838		\$2,029 35			

*Amount of warrants drawn upon the State Bank, from the 30th day of June, 1837, to the 1st day of December, 1838, for the current expenses of the State, and charged to the following account, viz:*

Special appropriations	-	-	-	-	\$7,195 85
Interest on School, College, and Seminary Fund	-	-	-	-	37,630 58
Circuit attorneys	-	-	-	-	2,402 55
General Assembly	-	-	-	-	13,945 40
Money refunded	-	-	-	-	177 66
The Judiciary	-	-	-	-	15,924 97
The Secretary of State	-	-	-	-	1,575 60
The Militia	-	-	-	-	1,330 00
Incidental expenses	-	-	-	-	3,158 86
The Attorney General	-	-	-	-	423 84
Penitentiary Inspectors	-	-	-	-	140 00
Auditor of Public Accounts	-	-	-	-	3,100 00
The Treasurer	-	-	-	-	2,128 74
Warden of the Penitentiary	-	-	-	-	207 39
Appropriations to Counties	-	-	-	-	2,250 00
The Governor	-	-	-	-	1,447 26
Public Printing	-	-	-	-	10,594 43
Counties in the Military Tract	-	-	-	-	3,200 00
Taxes refunded on lands redeemed	-	-	-	-	142 37
Appropriation for State House at Springfield	-	-	-	-	38,000 00
Distribution of laws and journals	-	-	-	-	2,975 00
Incidental expenses of the Penitentiary	-	-	-	-	3,000 00
Superintendent of the Penitentiary	-	-	-	-	800 00
Appropriation for killing wolves	-	-	-	-	390 50
The Contingent Fund	-	-	-	-	6,565 70
Fund Commissioners	-	-	-	-	376,919 14
Interest on State paper stock redeemed	-	-	-	-	5 40
Redemption Money	-	-	-	-	151 36
State paper stock redeemed	-	-	-	-	40 00
Canal Fund	-	-	-	-	56 00

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\$526,978 00

Amount due the Bank on the 30th day of November, 1838	19,009 25
To this sum, add the amount of outstanding warrants against the Bank, on the 30th day of Nov. 1838,	1,224 52

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Balance against the Treasury on the 30th day of November, 1838,	\$20,233 77
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*Present Resources of the State.*

Amount due the State from the citizens of Springfield at this date	- - - - -	\$16,666 66
Amount due from Revenue collectors at this date	- - - - -	8,459 41
Amount due from Clerks on the first Monday of April, 1839,	- - - - -	34,849 63
Amount due from Sheriffs on the first Monday of March, 1839,	- - - - -	6,687 74
Amount due from the Bank of Illinois on the 1st January, 1839, (say)	- - - - -	6,981 01
Amount due from the State Bank of Illinois for half per cent. on amount of capital stock and semi-annual dividend on \$100,000 of stock due on 1st January, 1839, (say)	- - - - -	12,000 00
Total amount	- - - - -	<u>\$85,644 45</u>

*A statement of the present condition of School, College and Seminary Fund.*

Amount of School fund on the 30th day of June, 1837	- - - - -	\$257,235 07
Amount received into the Treasury on the 22d July, 1837	- - - - -	13,433 33
Amount received into the Treasury on the 26th January, 1838	- - - - -	8,416 66
Amount of Surplus revenue which was constituted a part of the School Fund by an act of the Legislature, approved 25th February, 1837	- - - - -	335,592 32
		<u>614,677 38</u>
Amount of College Fund on the 30th June, 1837,	51,450 99	
Amount received into the Treasury on the 22d July, 1837	- - - - -	2,666 66
Amount received into the Treasury on the 26th January, 1838	- - - - -	1,683 33
		<u>55,800 98</u>
Amount of Seminary Fund	- - - - -	49,306 25
Total am't of School, College and Seminary Fund		<u>\$719,784 61</u>

There has been no School Fund received from the General Government since the 26th day of January, 1838, and none received on account of the amount due for the years 1837 and 1838. What amount is now due, I am not in possession of the means of ascertaining; but as large quantities of the public lands have been sold within the two past years, the sum due the State must be considerable. About two weeks since, a patent was received from the General Government for eleven and one-half sections of Seminary lands, to complete the quantity granted in lieu of the township surrendered by the act of 1831. There is yet due the State seven sections, to complete the quantity of Seminary land granted by the act of Congress of 1818.

*A Statement of the amount drawn from the Treasury, on account of the Contingent Fund, from June 30, 1837, to December 1, 1838.*

1837.

July	1	To warrants to William James in full for 450 bushels of lime furnished for plastering lower rooms of the State house	\$90 00
"	7	To warrants to John F. Maddox in full for plastering two rooms of the State house for public offices	24 25
"	8	To warrants to A. and H. Lee in full for finishing the joiner work of one room in the State house for Supreme Court	220 00
"	13	To warrants to John D. Whiteside, Treasurer, in full for his expenses in going to and returning from Springfield, on official business	21 00
"		To warrants to John D. Whiteside in full for carrying writs of election to the counties of St. Clair, Madison and Monroe	5 00
"		To warrants to Winslow Pilcher in full for cleaning out Senate Chamber, and Hall of the House Representatives	25 00
"		To warrants to S. M. Bartlett in full for publishing Governor's proclamation offering a reward for the apprehension of certain fugitives from justice, and proclamation concerning canal lands	47 00
"	14	To warrants to S. H. Davis in full for publishing Governor's proclamation, and an act concerning trespasses on canal lands	36 00
"	19	To warrants to William Hodge in full for 500 copies "Free Press" containing the Governor's proclamation convening the Legislature, and also for work done in taking down and removing fixtures in Secretary's Office	31 00
"	21	To warrants to Enoch Luckey in full for his expenses in arresting Johnson, Arheart, and Elliott, prisoners who escaped from the jail of Madison county	15 00
"		To warrants to Levin Lane in full for his services as a messenger to the Governor of Indiana to demand a fugitive from justice	100 00
"	22	To warrants to William Reaves in full for his services as an express to the county of Adams with a writ of election	40 00
August	17	To warrants to Eleanor Hall in full for 100 bushels lime, furnished for plastering rooms in the State house, for the use of Treasurer and Clerk Supreme Court	20 00

August	29	To warrants to Abner Johnson in full for work done in finishing room in State house for use of the Treasurer - - -	\$36 50
Sept.	2	To warrants to William Linn in full for plank furnished for lathing rooms in State house, for use of Treasurer and Supreme Court - -	34 34
"	9	To warrants to Wm. Young in full for plastering rooms in the State house for the use of the Treasurer, &c. - - -	227 25
"	19	To warrants to Levi Davis in full for expenses in going to Edwardsville and Belleville on official business - - -	25 00
October	2	To warrants to Abner Johnson in full for his services as a messenger to the acting Governor at Carmi - - -	36 00
"	21	To warrants to L. O. Shrader in full for his services as an express to certain counties with writs of election - - -	140 00
"		To warrants to George H. Norris in full for publishing Governor's proclamation and act concerning trespasses on canal lands - -	25 50
"		To warrants to Brooks & Co. in full for publishing Governor's proclamation convening Legislature - - -	5 00
"		To warrants to Stout & Johnson in full for binding laws and journals of Congress, &c. for Secretary's Office - - -	350 50
"		To warrants to James M. Morse in part for his services as a messenger to the Executive of Arkansas to demand a fugitive from justice - - -	150 00
Nov.	11	To warrants to B. Buckmaster in full for 1,000 shingles furnished for covering the cupola of the State house - - -	4 00
"	24	To warrants to Wm. L. Graves in full for work done for Secretary's office - -	15 12
"		To warrants to John Hogan & Co. in full for freight and storage on cannon, &c. - -	57 10
"		To warrants to Levi Davis in full for his expenses in going to Alton on official business - -	20 00
Dec.	12	To warrants to Franklin Witt in full for his services in carrying delinquent lists to counties on the Military Tract - - -	35 00
"	22	To warrants to Abner Johnson and William L. Graves in full for work done on the cupola of the State house. - - -	69 40
"	25	To warrants to N. H. Ridgely in full for procuring an engraving for canal bonds, and 550 impressions of the same - - -	433 00
1839			
Jan.	16	To warrants to Wm. Linn in full for lumber furnished for cupola of State house - -	25 99



Jan	29	To warrants to Doolittle and Munson in full for State seal - - -	\$55 00
April	16	To warrants to J. M. Morse in full for his services and expenses in going as an express to the Lieut. and acting Governor at Carmi - - -	20 00
"		To warrants to E. J. Rice in full for his services and expenses in going to Jacksonville as an express to the Governor, by order of the Secretary of State - - -	18 00
"	26	To warrants to Johnson & Curlee in full for a door for the Supreme Court room in the State house - - -	16 00
July	2	To warrants to James M. Morse in full for services and expenses in going as a messenger to the Governor of Arkansas to demand H. Brackin, a fugitive from justice - - -	250 00
August	8	To warrants to the Commissioners of Public Buildings in full for an allowance made by the Governor to aid in building of the State house in Springfield - - -	3,000 00
October	3	To warrants to J. M. Lucas in full for publishing Governor's proclamation for the apprehension of Silas A. Rude and Jos. Evans, fugitives from justice - - -	15 00
"	16	To warrants to McConnel, Ormsbee & Co., in full for freight paid by them on cannon belonging to the State - - -	13 00
Nov.	3	To warrants to J. M. Morse in part of his account for plastering Legislative Halls, as per contract made by order of the Governor - - -	300 00
"		To warrants to Thomas B. Hickman in part for work done on the State house, as per contract made by order of the Governor - - -	300 00
"	6	To warrants to Wm. H. Olvey in part for painting the Senate Chamber and Hall of the House of Representatives - - -	30 00
"	13	To warrants to E. Capps in full for paints furnished for painting Senate Chamber and Hall of the House of Representatives - - -	45 75
"	23	To warrants to Thomas B. Hickman in full of his contract for work done on State house by order of the Governor - - -	65 00
"	27	To warrants to Wm. H. Olvey in full for painting Senate Chamber and Hall of the House of Representatives - - -	34 00
"	28	To warrants to R. Goudy in full for his services and expenses as a messenger from the Governor at Jacksonville to Vandalia - - -	40 00
Total amount of the Contingent Fund - - -			<u>\$6,565 70</u>

*A Statement of the amount to be apportioned to the several counties on the 1st day of January, 1839, from the interest on the School, College, [and Seminary Fund, for the year 1838.*

Adams -	-	\$1,150 79	Madison -	-	\$1,342 65
Alexander -	-	334 74	Morgan and Cass -	-	3,098 03
Bond -	-	611 11	Monroe -	-	420 37
Clark -	-	555 44	Montgomery -	-	621 51
Cook -	-	1,305 88	Marion -	-	469 18
Crawford -	-	576 75	Macon -	-	501 83
Clinton -	-	425 20	McLean -	-	883 11
Coles -	-	870 59	McDonough -	-	475 52
Clay -	-	236 29	Mercer -	-	80 03
Champaign -	-	172 35	Macoupin -	-	904 65
Calhoun -	-	170 49	Pope -	-	594 81
Edgar -	-	1,135 19	Pike -	-	1,003 24
Edwards -	-	326 07	Peoria -	-	473 65
Effingham -	-	181 94	Perry -	-	368 81
Franklin -	-	922 37	Putnam and Bureau -	-	570 47
Fulton -	-	960 71	Randolph -	-	882 03
Fayette -	-	619 05	Rock Island -	-	87 37
Gallatin -	-	1,240 08	Sangamon -	-	2,881 46
Greene -	-	2,038 79	Saint Clair -	-	1,400 11
Hancock -	-	523 92	Shelby -	-	825 43
Hamilton -	-	469 39	Schuyler -	-	1,017 20
Iroquois -	-	186 47	Tazewell -	-	903 07
Johnson -	-	362 56	Union -	-	709 69
Jefferson -	-	587 94	Vermilion -	-	1,336 30
Jackson -	-	463 60	Wabash -	-	502 61
Jo Daviess -	-	492 01	Warren -	-	440 82
Jasper -	-	70 41	White -	-	1,003 06
Knox -	-	392 40	Washington -	-	510 63
Lawrence -	-	707 55	Wayne -	-	508 02
La Salle -	-	665 73			
			Total -	-	\$43,571 52

*An estimate of expenditures on the part of the State, for the years 1839 and 1840.*

## 1839.

The Judiciary	-	-	-	-	-	\$11,800 00
Secretary of State	-	-	-	-	-	1,100 00
Auditor of Public Accounts	-	-	-	-	-	2,400 00
State Treasurer	-	-	-	-	-	1,600 00
Attorney General	-	-	-	-	-	350 00
Circuit attorneys	-	-	-	-	-	1,500 00
Special appropriations for various expenses	-	-	-	-	-	5,000 00
Interest on school, college, and seminary funds	-	-	-	-	-	43,571 52
General Assembly, including stationery for same, printing and distributing laws, and paper for same, &c.	-	-	-	-	-	80,000 00
The militia	-	-	-	-	-	870 00
Incidental expenses	-	-	-	-	-	1,500 00
Incidental expenses of the Penitentiary, and salary of Inspectors	-	-	-	-	-	1,600 00
The Governor	-	-	-	-	-	1,000 00
Counties on Military tract	-	-	-	-	-	2,450 00
Wolf scalps	-	-	-	-	-	200 00
Contingent fund	-	-	-	-	-	4,000 00
Superintendent of Penitentiary	-	-	-	-	-	800 00
Total amount for 1839	-	-	-	-	-	<u>\$159,741 52</u>

## 1840.

The Judiciary	-	-	-	-	-	\$11,800 00
Secretary of State	-	-	-	-	-	1,100 00
Auditor of Public Accounts	-	-	-	-	-	2,400 00
State Treasurer	-	-	-	-	-	1,600 00
Attorney General	-	-	-	-	-	350 00
Circuit attorneys	-	-	-	-	-	1,500 00
Special appropriations for various expenses	-	-	-	-	-	5,000 00
Interest on school, college, and seminary funds, (say)	-	-	-	-	-	45,000 00
The militia	-	-	-	-	-	870 00
Incidental expenses	-	-	-	-	-	1,500 00
Incidental expenses of the Penitentiary, and salary of Inspectors	-	-	-	-	-	1,600 00
The Governor	-	-	-	-	-	1,000 00
Counties on the Military tract	-	-	-	-	-	2,450 00
Wolf scalps	-	-	-	-	-	200 00
Contingent fund	-	-	-	-	-	4,000 00
Superintendent of Penitentiary	-	-	-	-	-	800 00
Expenses of taking the census, (say)	-	-	-	-	-	10,000 00
Total amount for 1840	-	-	-	-	-	<u>91,170 00</u>
Add amount for 1839	-	-	-	-	-	<u>159,741 52</u>

Total estimate of expenditures for 1839 and 1840 - \$250,911 52

The above estimates have been made with reference to the laws as they now exist. In the estimate of the expenses of the General Assembly, I have included every expenditure necessarily arising out of a session of the Legislature; and believe that my statement will not vary much from the true amount.

*A statement of the quantity of Lands taxable in each county in the State for the years 1839 and '40, and the amount paid into the county and State Treasury for the year 1838.*

Counties.	Amount of lands taxable in 1839.	Amount of lands taxable in 1840.	Am't paid into the county treasuries for the year 1838.	Amount paid into the State treasury for the year 1838.
Alexander - -	34,237	35,096	\$328 53	\$157 30
Adams - -	352,851	357,260	1,764 37	3,813 93
Bond - -	53,193	54,593	658 24	118 03
Bureau - -	33,280	33,280	-	483 25
Coles - -	71,226	84,346	917 40	108 58
Clark - -	44,327	46,707	545 46	100 45
Clay - -	5,018	5,098	49 75	
Crawford - -	61,859	62,511	883 66	140 67
Cook - -	2,560	7,440	-	8 78
Calhoun - -	105,428	105,548	-	1,465 00
Cass - -	36,996	41,076	382 81	
Clinton - -	42,303	43,713	370 60	180 81
Champaign - -	19,730	26,326	235 44	
Effingham - -	2,360	2,732	14 40	
Edgar - -	110,459	116,499	1,323 04	226 09
Edwards - -	37,906	39,030	348 49	86 24
Franklin - -	22,593	23,033	262 65	52 79
Fulton - -	270,120	270,120	1,283 92	3,132 56
Fayette - -	26,456	27,436	287 17	62 61
Greene - -	178,736	203,776	2,294 15	472 15
Gallatin - -	152,626	151,266	2,51 18	147 70
Hancock - -	314,367	314,628	-	4,510 68
Henry - -	39,680	39,680	-	574 25
Hamilton - -	12,009	12,609	134 92	540 92
Iroquois - -	9,360	16,560	106 47	
Jackson - -	57,111	57,765	446 96	288 91
Jefferson - -	13,302	13,382	101 1	38 41
Johnson - -	19,364	20,524	125 05	83 38
Jasper - -	1,547	1,547	20 25	
Knox - -	261,880	261,880	-	3,758 94
Lawrence - -	78,720	80,820	946 09	176 25
La Salle - -	12,538	15,685	167 60	5 14
McLean - -	67,230	82,010	801 66	81 34
McDonough - -	251,440	251,749	701 73	3,263 76
Macoupin - -	64,507	112,469	535 93	26 45
Macon - -	41,455	49,751	545 61	5 14
Mercer - -	153,920	153,920		2,136 73
Monroe - -	103,821	105,138	777 93	291 47
Marion - -	6,400	6,440	43 86	
Madison - -	196,384	21 5,06	2,277 92	1,092 12

## TAXABLE LANDS—Continued.

Counties.	Amount of lands taxable in 1839.	Amount of lands taxable in 1840.	Am't paid into the county treasuries for the year 1838.	Amount paid into the State treasury for the year 1838.
Montgomery	33,556	36,816	\$394 66	\$13 91
Morgan	281,262	297,228	3,912 00	768 70
Putnam	199,071	204,965	-	2,796 19
Pope	28,970	29,530	430 47	65 64
Perry	20,898	22,468	256 35	27 64
Peoria	128,800	128,800	361 24	1,976 11
Pike	273,652	281,732	1,021 29	2,914 47
Randolph	116,165	117,716	1,424 85	1,005 88
Rock Island	2,891	4,844	73 01	65
Saint Clair	221,605	233,122	2,772 42	362 97
Shelby	47,488	55,288	494 37	72 10
Schuyler	220,938	223,104	836 86	3,363 02
Tazewell	85,140	99,840	1,015 10	
Union	45,848	46,331	624 66	93 72
Vermilion	154,586	163,226	2,092 93	229 41
Sangamon	335,097	361,332	4,683 78	475 63
Washington	19,158	20,213	175 82	70 37
Wabash	63,780	65,031	752 91	228 06
Warren	390,680	390,840	927 87	5,064 75
White	80,801	82,321	955 19	154 26
Wayne	35,778	36,102	276 31	181 58
Will	3,490	9,410	75 64	

In the foregoing statement of the amount of taxes paid into the county treasuries, a road tax, if any have been assessed, is not included, as I have no official knowledge of the same. I have endeavored in this report, to furnish the General Assembly with all such information as will enable them to act advisedly in relation to our revenue system. The period has arrived when an amendment of our revenue laws can no longer be postponed, without great injury to the State. The total amount of revenue, from taxes on lands under the present system, amounts to about \$16,000; and from the Banks, for bonus and dividends on stock, to about \$21,500; making, in all, the sum of \$67,500. These are the only sources of revenue which the State possesses, except the school fund, which ought not to be regarded as a legitimate source of revenue.—There is no probability that, under existing laws, the revenue of the State will increase. In the years 1835 and 1836, large quantities of land were entered, both by residents and non-residents, for purposes of speculation; and should these lands still remain in the hands of the original purchasers at the time when they become taxable, the State revenue would undoubtedly increase, (were there no causes operating to diminish

the amount now received.) It is, however, a fact that the lands of non-residents are almost daily passing into the hands of residents; and the decrease of revenue from this cause will counterbalance any accession which it might receive from the causes above mentioned. It may, therefore, safely be assumed that the revenue of the State, under existing laws, will not increase. On the 1st day of January next, the sum of \$43,571 52 must be paid out of the State Treasury for the interest on the school, college and seminary fund; and the expenses of the Legislature for the present session may be assumed (including all incidental expenses) at \$80,000. These two expenditures alone form the sum of \$123,571 52, a sum nearly twice as large as the annual revenue of the State. From the estimates above submitted, there cannot be a doubt that there is an imperative necessity for a new and improved revenue system; and while it is believed that there is sufficient wisdom and intelligence in the present Legislature to frame a well regulated system of finance, and one which will yield a revenue adequate to all the wants of the State, it is, at the same time, believed that no labor will be spared on their part which may be necessary to frame such laws as will produce these desirable results. Any further information which the Legislature may desire (in my power to give) or any suggestion which my experience in the situation which I have for several years past held, may enable me to afford, either in the principles or details of a revenue system, will be most cheerfully given. The foregoing remarks are submitted with all deference to the wisdom of the Legislature, and in accordance with what I conceive to be my duty.

LEVI DAVIS, *Aud. Pub. Acc'ts.*

AUDITOR'S OFFICE, ILLINOIS,  
Vandalia, Dec. 12, 1838.

The Speaker also laid before the House the biennial report of the Treasurer of this State, made in pursuance of law, showing the amount received at the Treasury for each branch of revenue, monthly, from the 1st of July, 1837, to 30th of November, 1838, inclusive; also, the amount deposited in the State Bank of Illinois and Branches, old State Bank paper burned, &c.; the reading of which was, on the motion of Mr. Dawson, dispensed with, laid on the table, and 1,000 copies ordered to be printed for the use of the House.

TREASURER'S OFFICE,

*Vandalia, December 11, 1838.*

SIR: In compliance with the law requiring a report from the Treasurer, I have the honor to submit to the General Assembly, the following statement, showing the amount received at the Treasury, monthly, from the various sources of revenue, from the 1st day of July 1837, to the 30th day of November, 1838, inclusive; also, the amount deposited in the State Bank and Branches, old State paper burned, &c. All of which is respectfully submitted.

I am, very respectfully,

Your obedient servant.

JOHN D. WHITESIDE,

*Treasurer.*

To the Hon. the SPEAKER

*of the House of Representatives.*





Cr. BY AMOUNT DEPOSITED IN THE STATE BANK OF ILLINOIS AND BRANCHES—OLD STATE PAPER BURNED, &c.

July,	Certificates of Deposit—(in Bank,) —	—	—	—	\$17,927 39
August,	Certificates of Deposit—	—	—	—	4,887 15
September,	Certificates of Deposit—	—	—	—	518 80
October,	Amount of interest on Old State Paper,	—	—	—	17 60
November,	Certificates of Deposit—	—	—	—	852 69
December,	Certificates of Deposit—	—	—	—	24 72
January, 1838	Certificates of Deposit—	—	—	—	17,410 12
February,	Interest on Old State Bank Paper,	—	—	—	7 38
March,	Certificates of Deposit—	—	—	—	17,796 17
April,	Certificates of Deposit—	—	—	—	338 75
May,	Interest on Old State Bank Paper,	—	—	—	64
June,	Certificates of Deposit—	—	—	—	25,855 12
July,	Certificates of Deposit—	—	—	—	22,921 83
August,	State Bank Paper burned	—	—	—	96 00
September,	Certificates of Deposit—	—	—	—	1,317 28
October,	Certificates of Deposit—	—	—	—	1,085 32
November,	Certificates of Deposit—	—	—	—	477 15
	Interest on Old State Bank Paper,	—	—	—	7 59
	Certificates of Deposit—	—	—	—	14,820 97
	Interest on Old State Bank Paper,	—	—	—	56 43
	Certificates of Deposit—	—	—	—	232 00
	Certificates of Deposit—	—	—	—	4 80
	Old State Bank Paper burned	—	—	—	172 00
	Certificates of Deposit—	—	—	—	1,105 79
		—	—	—	<u>127,072 69</u>

On motion of Mr. Dawson,

The vote taken on the adoption of the resolution proposed by Mr. George Smith, on yesterday, instructing the committee on the Judiciary to inquire into the expediency of repealing a portion of the execution law, &c., was reconsidered.

On motion of Mr. Murphy of Vermilion,

The resolution was amended by striking out the word "repealing," and insert the word "amending."

On motion of Mr. Huey,

The resolution was further amended, by adding after the word "execution," the following, viz: "also, so much of the above recited act as requires sheriffs to have real estate valued, and then sell without regard to the valuation."

The resolution, as amended, was then adopted.

Mr. Edmonston presented sundry petitions from the citizens of the counties of McDonough and Warren, praying the establishment of a State road from Macomb to the Mississippi river, opposite Burlington; the reading of which was, on his motion, dispensed with, and the same referred to a select committee.

*Ordered*, That Messrs. Edmonston, Walker of Fulton, and Aldrich, be that committee.

Mr. Copland presented the petition of Joseph Street, praying to be divorced from his wife Mary Ann; which was read, and, on his motion, referred to a select committee.

*Ordered*, That Messrs. Copland, Read, and Bainbridge, be that committee.

Mr. Stapp presented the petition of sundry citizens of Knox county, praying the relocation of a State road therein named; the reading of which was, on his motion, dispensed with, and the same referred to a select committee.

*Ordered*, That Messrs. Stapp, Rawalt, and Compher, be that committee.

Mr. Naper, from the select committee to which was referred a certain petition, reported a bill for "An act to repeal part of an act incorporating the city of Chicago;" which was read the first time, and

*Ordered* to a second reading.

Mr. Read, from the select committee to which was referred a certain petition, reported a bill for "An act to relocate part of a certain State road therein named;" which was read the first time, and

*Ordered* to a second reading.

Mr. Stapp, from the committee on Finance, reported a bill for "An act making partial appropriations;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Edmonston,

*Resolved by the House of Representatives*, That the committee on the Militia be instructed to inquire into the expediency of revising the law regulating the militia of this State, and having a sufficient number of copies printed, that each commanding officer may be furnished with a copy thereof.

On motion of Mr. Craig,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of revising and republishing the laws of this State.

On motion of Mr. Alexander,

*Resolved*, That the committee on Elections be required to inquire into the propriety of so amending the election laws of this State, as to punish illegal voters by fine or imprisonment.

Mr. Dawson proposed for adoption the following:

*Resolved by the General Assembly of the State of Illinois*, That our Senators in Congress be instructed, and our Representatives requested, to oppose any further postponement of the fourth instalment of the surplus revenue, and they be instructed to urge on Congress the propriety of distributing the same among the several States of the Union, according to their respective distributive shares: and be it further

*Resolved*, That the Governor be, and he is hereby, requested to transmit a certified copy of the foregoing resolution to each of our Senators and Representatives in Congress.

On motion of Mr. Naper,

Said resolutions were laid on the table.

Mr. Hardin proposed for adoption the following resolution, viz:

*Resolved*, That the Board of Public Works be requested to report to this House whether, in their opinion, the iron plates required by law to be laid on the railroads of this State, are not insufficient in strength and durability for the successful application of steam power thereon; and that they report whether, in their opinion, any change is desirable in the kind of iron to be used on said roads, and, if so, what will be the probable cost of such iron laid down per mile: also, that they report what number of locomotives have been purchased or ordered for the use of the State, the probable weight of each, and the cost of each, including charges of transportation.

On motion of Mr. Robert Smith,

The resolution was amended by adding the following:

"Also the names of all persons to whom sums have been paid for 'right of way' for the several railroads contemplated in the bill to establish and maintain a general system of internal improvements."

The resolution as amended was then adopted.

Mr. Fisk proposed for adoption the following resolution, which was rejected, viz:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of repealing the law establishing the circuit court system, and electing four additional associate justices, who, together with the present associate justices of the Supreme Court, shall perform circuit court duties.

Mr. Johnson proposed for adoption the following preamble and resolutions:

*Whereas*, the speedy location and completion of the Cumberland road, west of Vandalia, through this State, to the Mississippi river, is a subject of vital interest to this State, and more especially to the counties through which the same must pass; and whereas the delay on the part of the General Government to continue said road to the western borders of this State has occasioned repeated and deep complaints on the part of our citizens, and has, to a very great degree, retarded the prosperity and per-

manent settlement of the counties through which the same must pass, and while our citizens are thus kept in suspense, it must necessarily check, to a great degree, all enterprise and permanent improvements on said contemplated route: Therefore,

*Resolved by the Senate and House of Representatives of the General Assembly of the State of Illinois,* That our Senators in Congress be instructed, and our Representatives requested to use their best exertions to procure the passage of a law in Congress providing, for the speedy location of said road to some eligible point on the Mississippi river.

*Resolved,* That while the General Assembly express our decided preference for said road to pass by way of Alton; yet we believe the claims of Alton are such as to hazard nothing by leaving the direction of the road to the General Government.

*Resolved,* That the Governor be requested to cause copies of the foregoing preamble and resolutions to be forwarded to each of our members in Congress.

Mr. Johnson moved that the preamble and resolutions be committed to a committee of the Whole House, and made the order of the day for Monday next.

Mr. Robert Smith moved to lay the same on the table; which was not agreed to.

On the question—"Will the House commit the preamble and resolutions to a committee of the Whole House, and make them the order of the day for Monday next?"

It was decided in the affirmative.

On motion of Mr. Ficklin,

*Resolved,* That the committee on Elections be, and they are hereby, instructed to inquire into the expediency of making the school commissioner elected by the people every two years; and that they report by bill or otherwise.

Mr. McCutchen proposed for adoption the following resolution, viz:

*Resolved,* That the committee on Finance be instructed to draft and report a bill to this House requiring a per centum, to be fixed by the Legislature from time to time, as the necessities of the State may require, to be levied upon the value of all taxable property in the State, to constitute a State revenue; and also empowering the county commissioners' courts of the different counties in the State to levy such per centum as they may, from time to time, deem necessary, upon the value of all taxable property in their respective counties, to constitute the county revenue of the several counties.

On motion of Mr. Flood,

Said resolution was laid on the table.

On motion of Mr. Copeland,

*Resolved by the House of Representatives, the Senate concurring herein,* That our Senators in Congress be instructed, and our Representatives requested, to use their exertions to secure the passage of a law granting to the volunteer militia in the late war with great Britain, and the Indian tribes, a bounty in land.

*Resolved,* That we most cordially believe it due from the Government to the soldier, to give him a home on the land which his valor has maintained.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence therein.

*Ordered*, That the House adjourn until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Dawson,

The House resolved itself into committee of the Whole on the resolution offered by him, proposing alterations in the revenue laws of this State; and after some spent therein,

Mr. Cloud reported, the committee of the Whole had said resolution under consideration, made some progress therein, and asked leave to sit again on said subject; which was granted.

And then the House adjourned.

FRIDAY, DECEMBER 14, 1838.

House met pursuant to adjournment.

Mr. Craig presented the petition of sundry citizens of Mercer county, praying a continuation of a State road; the reading of which was, on his motion, dispensed with, and the same referred to a select committee.

*Ordered*, That Messrs. Craig, Kent, and Churchill, be that committee.

Mr. French presented the petition of sundry citizens of Edgar county, praying a change in a part of a State road in said county; the reading of which was, on his motion, dispensed with, and the same referred to a select committee.

*Ordered*, That Messrs. French, Walker of Vermilion, and Cunningham, be that committee.

Mr. Naper, from the committee on Claims, to which was referred the petition of Robert Barnett, praying to be allowed to retail spirituous liquors without license, reported adverse to the prayer of the petitioner, and asked to be discharged from the further consideration of the subject; which was granted.

Mr. Ficklin, from the committee on Education, to which was referred a certain resolution, reported the following preamble and resolutions; which were read, and concurred in, viz:

*Whereas*, by an ordinance adopted by this State, at the time she became a member of the Union, it was provided and agreed with the United States, among other things, that one-sixth of three-fifths of five per cent. of the nett proceeds of all lands sold in this State should be, by the Legislature, exclusively bestowed on a College or University; and it was further provided and agreed by said ordinance, that two entire townships of land should be reserved for the use of a seminary of learning, and vested in the Legislature of this State, to be appropriated solely to the use of such seminary; and it was further provided and declared, that said ordinance should not be revoked without the consent of the United States; *and whereas*, it is the opinion of this General Assembly, that it would be more beneficial to the people of this State, now and hereafter,

if the above specified funds should be appropriated for the use of common schools: Therefore,

*Resolved by the General Assembly of the State of Illinois*, That our Senators in Congress be instructed, and our Representatives requested, to use their exertions to procure the consent of the United States to the revocation of so much of said ordinance as confines the appropriation of the above funds for the support of a college or university, and a seminary of learning, so that the same may be applied by the Legislature for the support of common schools; and that the Governor be requested to transmit a copy of this preamble and resolution to each of our Senators and Representatives in Congress.

*Ordered*, That the Clerk carry said preamble and resolution to the Senate, and ask their concurrence therein.

Mr. Craig, from the select committee, to which was referred the petition of Henry W. Cleaveland, reported a bill for "An act to authorize Henry W. Cleaveland to build a toll-bridge across the Winnebago swamp;" which was read the first time, and

*Ordered* to a second reading.

Mr. English presented the petition of sundry citizens of Greene county, praying the formation of a new county; the reading of which was, on his motion, dispensed with, and the same referred to the committee on Counties, with instructions not to report until all the facts, petitions, and memorials be presented to said committee on said subject.

Mr. Gilham presented two petitions of sundry citizens of the county of Morgan, praying the formation of a new county; the reading of which was, on his motion, dispensed with, and the same referred to the committee on Counties.

Mr. Robert Smith, from the select committee to which was referred a certain petition, reported a bill for "An act supplementary to an act, entitled 'An act to incorporate the Alton Marine and Fire Insurance Company,'" which was read the first time, and

*Ordered* to a second reading.

Mr. Huey, from the select committee to which was referred a certain petition, reported a bill for "An act to divorce Louisa Goodman;" which was read the first time, and

*Ordered* to a second reading.

Mr. Murphy of Vermilion, from the select committee to which was referred a certain petition, reported a bill for "An act to vacate a part of an addition to the town of Danville;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Flood,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of amending the law concerning justices of the peace and constables, as follows, viz:

To require the justices to hold courts on the first Monday in each month, except in cases where a *capias* or attachment is sworn out, and continue open from day to day until all the business in said court is disposed of, and to require the constable to attend all such courts, to assist in preserving order, &c. That, whenever the defendant has no property from which the debt in execution can be made, and the constable so return the *fi. fa.*, the plaintiff may take a special summons against any person that may be

indebted to said defendant, to answer, under oath, as to his indebtedness to said defendant; and if it appear that he is so indebted, then judgment shall be entered against him, as in cases of garnishees. To require the county commissioners' court to allow justices of the peace and constables, out of the money collected by them for fines, all costs accruing in cases where the execution against the defendant for assault and battery or affrays shall be returned, no property found. That in all cases of appeal, the defendant shall make oath before the justices, that he does not take the appeal for delay, but believes the judgment is unjust or erroneous. To define more particularly the liabilities of special bail. In all cases where the debt or demand of any plaintiff shall be wholly or in part lost, by the neglect or refusal of any constable to act, or if any damage shall arise to any plaintiff or defendant by the misfeasance or nonfeasance of any constable in the discharge of any official duty, that the party aggrieved shall have his action against such constable, before any justice of the peace, for injury so sustained; and that they report by bill or otherwise.

Mr. Ficklin proposed for adoption the following resolution, viz:

*Resolved by the House of Representatives, the Senate concurring herein,* That our Senators in Congress be and they are hereby instructed, and that our Representatives be requested, to use their best exertions to procure, at the present session of Congress, the passage of a law by that body, establishing a permanent system of pre-emption rights, by which the actual settler upon the lands of the Government of the United States shall have the exclusive privilege of purchasing, at Congress price, any quarter section of land upon which he may have made an improvement; and that the Governor be requested to transmit to each of our members of Congress a copy of these resolutions, properly certified.

On motion of Mr. Williams,

The resolution was laid on the table.

On motion of Mr. Murphy of Vermilion,

*Resolved,* That the select committee to which was referred the petition of the late Warden of the Penitentiary, praying relief, have power to send for persons and papers, and swear witnesses.

On motion of Mr. Robert Smith,

*Resolved,* That the committee on Internal Improvements be requested to inquire into the expediency of requiring the Commissioners of the Board of Public Works, (in all cases where the right of way is not released to this State) to call a jury and have the damages assessed, before commencing the clearing, grubbing or grading of said road; and if the damages are not such as induce them to take an appeal from the judgment of the jury, they shall pay over the sum or sums so assessed to the owner or owners of said land, before entering on the same; and that they report by bill or otherwise.

Mr. Happy proposed for adoption the following resolution, viz:

*Resolved,* That the committee on Internal Improvements be instructed to inquire into the expediency of so amending the law providing for a Board of Public Works as to provide for the election of three commissioners only, and of giving them a permanent salary; also, the expediency of providing for the election or appointment of a chief engineer of the State; and that they report by bill or otherwise.

Mr. Archer moved to lay the resolution on the table; which was not agreed to.

And then the resolution was adopted.

Mr. Smith of Wabash, from the committee on Internal Improvements, introduced the following resolution, viz:

*Resolved by the General Assembly of the State of Illinois, That the Legislature of the State of Indiana be requested to pass a law at its present session, declaring at what points the State of Indiana will meet the State of Illinois, at the line dividing the two States, in the construction of the easterly ends of the Northern Cross railroad, and the Alton and Shelbyville railroad, in Illinois, to the end that the State of Illinois may meet the State of Indiana in the construction of the said works, and their continuation to the intersection of the Erie and Wabash canal, in Indiana; and, also, that the Legislature of Indiana provide, in said act, that, if the State of Illinois deem it proper to construct such connection from the State line to the said canal herself, and on her own account, the right of way for such construction be indefeasibly granted to her, provided said State of Illinois elect to do so during the present session of her Legislature.*

On the question—"Will the House adopt said resolution?"

It was decided in the affirmative.

*Ordered, That the Clerk inform the Senate thereof, and ask their concurrence therein.*

Mr. Logan proposed for adoption the following resolution, viz:

*Resolved by the House of Representatives, the Senate concurring herein, That each House will meet in the Hall of the House of Representatives on the 18th instant, at 2 o'clock, P. M. for the purpose of electing State's Attorneys for the several judicial circuits of this State.*

On motion of Mr. Williams,

The resolution was amended by adding the words, "and also Attorney General."

The resolution, as amended, was then adopted.

*Ordered, That the Clerk inform the Senate thereof, and ask their concurrence therein.*

On motion of Mr. Crain,

The following preamble and resolution were adopted, viz:

In order that the laws and journals of the present General Assembly may be ready for distribution amongst the several counties of this State as early as possible:

*Resolved by the House of Representatives, the Senate concurring herein, That both branches of the General Assembly convene in the Hall of the House of Representatives, at two o'clock, P. M., on this day, in order to elect a public printer.*

On the question—"Shall the preamble and resolution be adopted?"

It was decided in the affirmative.

*Ordered, That the Clerk inform the Senate thereof, and ask their concurrence therein.*

Mr. Carpenter asked and obtained leave to introduce a bill for "An act to repeal a certain act therein named;" which was read the first time, and

*Ordered to a second reading.*



Mr. Jones asked and obtained leave to introduce a bill for "An act to incorporate the Menard Academy of Kaskaskia;" which was read the first time, and

*Ordered* to a second reading.

Mr. McCutchen asked and obtained leave to introduce a bill to amend an act, entitled "An act to amend 'An act for the limitation of actions, and for avoiding vexatious law suits;'" which was read the first time, and

*Ordered* to a second reading.

Mr. French asked and obtained leave to introduce a bill for "An act to amend an act, entitled 'An act to locate a State road in the county of Edgar, approved, 19th Jan. 1837;'" which was read the first time, and

*Ordered* to a second reading.

Mr. Naper asked and obtained leave to introduce a bill for "An act to incorporate the Illinois Insurance Company;" which was read the first time, and

*Ordered* to a second reading.

Mr. Bainbridge asked and obtained leave to introduce a bill for "An act to establish a State road in Franklin and Union counties;" which was read the first time, and

*Ordered* to a second reading.

Mr. Bainbridge asked and obtained leave to introduce a bill for "An act to establish a State road in Franklin county;" which was read the first time, and

*Ordered* to a second reading.

Mr. Aldrich asked and obtained leave to introduce a bill for "An act to incorporate the town of Warsaw;" which was read the first time, and

*Ordered* to a second reading.

Mr. Jarrott asked and obtained leave to introduce a bill for "An act to amend an act, entitled 'An act authorizing a lottery to raise funds for the purpose of draining the ponds of the American Bottom;'" which was read the first time, and

*Ordered* to a second reading.

Mr. Cunningham asked and obtained leave to introduce a bill for "An act limiting justices of the peace and constables to their several districts, respectively;" which was read the first time, and

*Ordered* to a second reading.

Mr. Webb of White asked and obtained leave to introduce a bill for "An act to amend an act to incorporate the Carmi Bridge Company, approved, Feb. 6, 1835;" which was read the first time, and

*Ordered* to a second reading.

And then on motion, the House adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have concurred with them in the adoption of the resolution from the House of Representatives, in relation to the "con-

struction of the easterly ends of the Northern Cross railroad and the Alton and Shelbyville railroad," as amended by them.

Amend as follows:

*Resolved*, That the Governor be requested to transmit the above resolution to the Governor of the State of Indiana, with a request to lay the same before the Legislature of that State, now in session.

In which amendment they ask the concurrence of the House. And he withdrew.

The amendment of the Senate to the resolution from the House contained in the foregoing message, was read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Another message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have adopted the following resolution, viz:

*Resolved by the General Assembly of the State of Illinois*, That two thousand copies of the journals of each House of the present General Assembly be printed for the use of the State.

In the adoption of which they ask the concurrence of the House. And he withdrew.

On motion of Mr. Flood,

The House again resolved itself into a committee of the Whole House upon the resolution in relation to the public revenue, and the amendment proposed thereto; and after some time spent therein, the Speaker resumed the chair, and Mr. Cloud reported that the committee of the Whole House had, according to order, had the same under consideration, had made some progress therein, and directed him to ask leave to sit again on said subject; which was granted.

And then the House adjourned.

## SATURDAY, DECEMBER 15, 1838.

House met pursuant to adjournment.

Daniel Wood, a representative from the county of Gallatin, appeared, was qualified and took his seat.

The Speaker laid before the House a communication from the Cashier of the Bank of Illinois, at Shawneetown, showing the condition and financial operations of that Bank and Branches, on the 1st. inst.; which was read, and

On motion of Mr. Thornton,

Laid on the table and 100 copies ordered to be printed.

Mr. Thornton presented the petition of John Jackson and Eleanor Jackson, his wife, citizens of Shelby county, asking a divorce; which was read, and, on his motion, referred to a select committee.

*Ordered*, That Messrs. Thornton, Ficklin, and Dawson, be that committee.

Mr. Hardin, from the committee on the Judiciary, to which was referred the bill, entitled "An act to provide for the collection of demands growing out of contracts for sales of the possession of the public lands," reported the same with an amendment; which was read and concurred in.

Mr. Ficklin moved further to amend the bill by adding the following, to wit:

"SEC. 2. That the act entitled 'An act to provide for the collection of demands growing out of contracts for sales of improvements on public lands,' approved February 15th, 1831, be hereafter construed to apply as well to contracts, promises, assumpsits, or undertakings, made subsequent, as to those made previous to the purchase of said lands from the General Government of the United States.

"SEC. 3. Every person who shall purchase of the United States, a tract or parcel of land upon which there is an improvement belonging to some other person, without making a contract to purchase or pay for the same, shall be, and he is hereby, made liable to pay the owner of said improvement so much as the said improvement is reasonably worth, to be sued for and recovered (if the demand does not exceed one hundred dollars) before any justice of the peace."

Mr. Crain moved to amend the third resolution by adding the following, which was accepted by Mr. Ficklin, to wit:

"*Provided*, The value of said improvements shall have been fixed by three disinterested persons living in the neighborhood, each party choosing one, and they two the other."

Mr. Hardin called for a division of the question, so as to take a vote on each section of the amendment, separately.

The question was then taken on the adoption of the second section, and decided in the affirmative.

Mr. Williams moved to amend the third section by striking out the whole thereof, and insert in lieu thereof the following, viz:

"Whenever the General Government shall sell lands upon which there is an improvement belonging to any individual, the United States shall pay to the owner of such improvement, so much as said improvement is reasonably worth."

On the question—"Will the House adopt the amendment to the amendment, as proposed by Mr. Williams?"

It was decided in the negative.

The question was then taken on the adoption of the third resolution as proposed by Mr. Ficklin, and decided in the negative, by yeas and nays as follow, upon the call of Messrs. Logan and Walker of Vermilion to wit:

Those who voted in the affirmative, are,

Messrs. Allen of Franklin, Allen of Greene, Bainbridge, Brown, Carpenter, Churchill, Cloud, Compher, Copeland, Crain, Daley, Dubois, Edmonston, Elliott, Emmerson, English, Ficklin, Fisk, Foster, Green of Greene, Hankins, Harris, Holmes, Huey, Kercheval, Logan, McCormick, Maus, Moore, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Read, Robinson, Thomas of St. Clair, Walker of Vermilion, Zimmerman, and Mr. Speaker—38.

Those who voted in the negative, are,

Messrs. Aldrich, Alexander, Archer, Baker, Calhoun, Craig, Cunningham, Dawson, Edwards, Elkin, Flood, French, Gilham, Gouge, Hardin, Henderson, Henry, Houston, Hull, Jarrott, Jones, Kent, Lincoln, McCutchen, McMillan, McWilliams, Menard, Morgan, Naper, Otwell, Pace, Philips, Rawalt, Roman, Smith of Wabash, Geo. Smith, Robert Smith, Stapp,

Thomas of McLean, Thornton, Walker of Fulton, Webb of Alexander, Williams, and Wood—44.

The bill was then ordered to be engrossed for a third reading.

The Speaker, in pursuance of a joint rule of the two Houses, appointed Messrs. Gouge, Henderson, and Churchill, the committee on Enrolled Bills on the part of the House of Representatives.

And then the House adjourned until 2 o'clock, P. M.

#### TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Hardin,

The House again resolved itself into a committee of the Whole House upon the resolution concerning the public revenue and the proposed amendment thereto; and after some time spent therein, the Speaker resumed the chair, and Mr. Cloud reported that the committee of the Whole House had, according to order, had said resolution and proposed amendment under consideration—had made some progress therein, and asked leave to sit again on said subject; which was granted.

On motion of Mr. Murphy of Vermilion,

*Resolved*, That the committee on the Penitentiary be instructed to inquire into, and report to this House, the cause of the recent escape of a number of the convicts from the penitentiary, stating whether in their opinion it has been from the negligence of the superintendent, or from defections of the prison—giving the circumstances under which they were made; and, also, that said committee inquire into the expediency of leasing the said penitentiary for a greater number of years than is now authorized by law; and that they report by bill or otherwise.

And then the House adjourned.

#### MONDAY, DECEMBER 17, 1838.

House met pursuant to adjournment.

The Speaker laid before the House a communication from the Governor, which was read, and is as follows, viz:

EXECUTIVE DEPARTMENT,

*Vandalia, December 12, 1838.*

SIR: In compliance with a resolution of the House of Representatives of the 7th instant, I have the honor herewith to transmit to you all the reports of the Board of Commissioners of Public Works, which, were made to my predecessor, and on file in this department. There is now in preparation, as I understand, by the said Board, a full detailed report of all their proceedings; and, as soon as I receive it, I shall embrace the earliest opportunity to place the same before you.

I have the honor to be, sir,

Your obedient servant,

THOMAS CARLIN.

To the Hon. the SPEAKER of the  
*House of Representatives.*

When,

On motion of Mr. Dawson,

Said communication and accompanying documents were laid upon the table.

Mr. Flood presented the petition of sundry citizens of Adams county, praying the location of a road from Quincy to Rushville; the reading of which was, on his motion, dispensed with, and the same referred to the committee on State Roads.

Mr. Edmonston presented the petition of sundry citizens of McDonough county, praying the establishment of a State road from McComb to Ellisville; the reading of which was, on his motion, dispensed with, and the same referred to a select committee.

*Ordered*, That Messrs. Edmonston, Rawalt, and Aldrich, be that committee.

Mr. Walker of Fulton presented the petition of sundry citizens of Fulton county, praying the location of a State road from Springfield, in Sangamon county, to McComb, in McDonough county; the reading of which was, on his motion, dispensed with, and the same referred to the committee on State Roads.

Mr. Murphy of Cook presented the petition of sundry citizens of McHenry county, praying to be authorized to drain a certain slough into Pine creek, for the purpose of erecting a mill, &c.; the reading of which was, on his motion, dispensed with, and the same referred to the committee on the Judiciary.

Mr. Edmonston, from the select committee to which was referred a certain petition, reported a bill for "An act to relocate a part of a certain State road therein named;" which was read the first time, and

*Ordered* to a second reading.

Mr. Hardin, from the committee on the Judiciary, to which was referred a certain resolution, reported a bill for "An act to prevent trespassing by cutting timber;" which was read the first time, and

*Ordered* to a second reading.

Mr. Murphy of Vermilion, from the select committee to which was referred the petition of Benjamin S. Enloe, late warden of the penitentiary, praying relief, reported that they have had the same under consideration, and have directed him to report adverse to the prayer of the petitioner, and asked to be discharged from the further consideration of the subject; which was agreed to.

Mr. Pace presented the petition of sundry citizens of Jefferson and Washington counties, praying the relocation of a certain State road; the reading of which was, on his motion, dispensed with, and the same referred to a select committee.

*Ordered*, That Messrs. Pace, Crain, and Carpenter, be that committee.

Mr. Hardin from the committee on the Judiciary, to which was referred a certain resolution, instructing them to inquire into the expediency of revising and republishing the laws of this State, reported unfavorably to the object of the resolution, and asked to be discharged from the further consideration of the subject; which report was not concurred in, and laid upon the table.

Mr. Copeland, from the select committee to which was referred a cer-

tain petition, reported a bill for "An act for the relief of Joseph Street;" which was read the first time, and

*Ordered* to a second reading.

Mr. Fisk presented the petition of C. B. Blockburger, praying relief; which was read, and referred to a select committee.

*Ordered*, That Messrs. Fisk, Harris, and Robert Smith, be that committee.

Mr. Stapp presented the remonstrance of sundry citizens of Knox county against the alteration of a State road leading from Enterprize to Knoxville; the reading of which was, on his motion, dispensed with, and the same referred to the same select committee to which was referred the petition on that subject.

On motion of Mr. Copeland,

*Resolved*, That the committee on Internal Improvements be instructed to inquire into the propriety and expediency of reporting a bill for an act more strictly prohibiting sub-contracting, under penalties, on any of the public works in this State, so as to make the principal contractor holden and responsible for all the labor, or any other valuable consideration done on said works, whether contractor for himself, sub-contractor, or agent; and, also, the detention of per cent., to be retained in commissioners' hands upon each estimate, to secure to the laborer his hire: and further provide that no property or money whatever, belonging to said contractors, sub-contractors, or agents, shall be exempt from execution for the payment of such debts.

On motion of Mr. Dubois,

The following preamble and resolutions were adopted:

Whereas the General Government, in surveying and subdividing the lands on the Embarrass river, omitted to subdivide township five north, range 14 west, or any part thereof, considering and returning the whole of said township as inundated and drowned land, in which situation it still remains; a part of which may be cultivated, and is now partially settled: And whereas it is highly important to the settlers in said township, that the same should be surveyed and disposed of, and they secured in their homes, and the improvement of said river is of great importance to the citizens who have purchased the lands on and near the same; to enable them to transport their surplus produce, &c.: Therefore,

*Resolved by the General Assembly of the State of Illinois*, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to have a law passed by Congress, donating said township of land to the State, authorizing the State to survey and sell the same, the avails thereof to be applied exclusively to the improvement of the said Embarrass river.

*Resolved*, That the Governor be requested to transmit a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr Craig proposed for adoption the following resolution, viz:

*Resolved by the House of Representatives, the Senate concurring herein*, That the committee on the Judiciary of the House, and the Senate, be instructed to collect and revise all the laws in force in this State, of a

general nature, and that they have a correct copy of the same made out, together with a copy of those of a general nature which may be passed at the present session of the Legislature, for the purpose of having the same printed.

*Resolved*, That said committee be authorized to employ a clerk to aid in copying said laws.

Mr. Allen of Greene moved to refer the resolution to a committee of the Whole House, and make it the order of the day for to-morrow; which was not agreed to.

Mr. Williams moved to amend the resolution by striking out all after the word "resolved," and insert the following, viz:

*"By the General Assembly of the State of Illinois, That there shall be elected, at the present session, three competent persons, well skilled in the laws of this State, to revise and condense all the laws of a general nature of said State, and they be required to lay the same before the next General Assembly."*

Mr. Flood called for a division of the question.

The question was then taken on striking out, and decided in the affirmative.

The question was then taken on inserting as proposed, and decided in the affirmative.

On motion of Mr. Churchill,

The resolution was further amended by inserting after the words "said State," the following, viz:

*"And to make a full and, as near as may be, a perfect index thereto."*

The resolution as amended was then adopted.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence therein.

On motion of Mr. Thornton,

*Resolved*, That a select committee of five be appointed to inquire into the expediency of increasing the compensation now allowed by law to the Governor and judicial officers of the State, so as to carry out the manifest spirit of the 5th section of the 4th article of the constitution, which declares that the judges of the inferior courts, and the justices of the Supreme Court "shall have adequate and competent salaries."

*Ordered*, That Messrs. Thornton, Baker, Robert Smith, Kercheval and Webb of Alexander, be the committee in pursuance of the foregoing resolution.

Mr. Thomas of St. Clair proposed for adoption the following resolution, viz:

*Resolved*, That the committee on Internal Improvements be instructed to inquire into the expediency and practicability of classifying the railroads contemplated to be constructed by the act, entitled "An act to establish and maintain a general system of internal improvements," so as to suspend operation on a part thereof until some of the most necessary ones are completed and their utility tested; and report the results of their deliberations to this House.

On motion of Mr. Webb of White,

The resolution was amended by striking out all after the words "be instructed," and insert the following, to wit:

*"To inquire how and in what particular, and to what extent, the sys-*



tem of internal improvements can, with advantage to the State, be modified, so as to secure a prudent and economical prosecution of the public works, and at the same time to guard against the creation of a debt beyond the resources of the State to pay; and that they report by bill or otherwise."

On motion of Mr. Churchill,

The resolution was further amended by adding after the words "to pay," the following, viz:

"And whether there are certain sections of the State that will not be reached by the salutary influence of the present system of internal improvements: and, also, to inquire into the propriety of extending said works so as to reach such parts of the State."

The resolution as amended was then adopted.

And then the House adjourned until 2 o'clock, P. M.

#### TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Carpenter, from the select committee to which was referred a certain petition, reported a bill for "An act to establish a State road from McLeansboro' to Mount Vernon;" which was read the first time, and

*Ordered* to a second reading.

The resolution from the Senate in relation to the printing of 2,000 copies of the journal of each House of the present General Assembly, was read.

Mr. English moved to amend the resolution, by striking out "2,000," and inserting "3,000;" which was not agreed to.

Mr. Robert Smith moved to amend the resolution, by adding "and that the journals be required to be indexed;" which motion was rejected.

The resolution was then concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

On motion of Mr. Logan,

*Resolved*, That the committee on Agriculture (to which so much of the Governor's message to the present General Assembly, relating to the alluvial lands on the principal rivers, has been referred) be instructed to inquire into the expediency of incorporating a company composed of proprietors of lands lying in the Mississippi bottom, from the mouth of Gaynie creek to the mouth of Big Muddy river, and thence up each side of said river to the mouth of Little Muddy, for the purpose of draining the same, and to improve the health of the inhabitants; and, also, that said committee inquire into the expediency of memorializing the Congress of the United States to cede or donate the unsold lands of the General Government lying in the said bottom, for the purpose of raising funds to aid the said incorporation in draining said lands, and making said improvements; and report to this House by bill or otherwise.

Mr. Ficklin asked and obtained leave to introduce a bill for "An act to construct bridges across the Kaskaskia and Embarrass rivers, at or near the points where the Springfield trace crosses said streams, and for other purposes;" which was read the first time, and

*Ordered* to a second reading.



Mr. Henry asked and obtained leave to introduce a bill for "An act providing for the election of a public binder, and defining his duties;" which was read the first time, and

*Ordered* to a second reading.

Mr. English asked and obtained leave to introduce a bill for "An act for the relief of the securities of Thomas Moore;" which was read the first time, and

*Ordered* to a second reading.

Mr. Johnson moved that the House now resolve itself into a committee of the Whole House on the preamble and resolutions, some days since proposed by him, in relation to the continuation of the Cumberland road, west of Vandalia, to the Mississippi river; which was not agreed to.

On motion of Mr. Webb of White,

The House again resolved itself into a committee of the Whole House on the resolution and proposed amendment thereto in relation to the public revenue; and after some time spent therein, the Speaker resumed the chair, and Mr. Webb of White reported that the committee of the Whole House had, according to order, had the same under consideration, had amended the said resolution and amendment; in which amendments he was directed to ask the concurrence of the House.

The committee amend as follows: strike out all after the word "resolved," and insert:

"That the committee on Finance be instructed to inquire into the expediency of amending the revenue laws, so as to provide for the appointment of assessors in each county to assess all the property in their respective counties, and for the levying of a tax, not exceeding a certain per cent., on all the property so assessed.

*Resolved*, That said committee be instructed to provide that, in the valuation of land, the improvements made thereon shall not be taken into consideration."

Mr. Henderson called for a division of the question, and demanded the yeas and nays; when,

The House adjourned.

## TUESDAY, DECEMBER 18, 1838.

House met pursuant to adjournment.

Peter Green, a representative from the county of Clay, appeared, was qualified, and took his seat.

On motion of Mr. Naper,

The bill for "An act making partial appropriations," was taken up for consideration.

The bill was then read the second time, and

*Ordered* to be engrossed for a third reading.

On the further motion of Mr. Naper,

The rule of the House was dispensed with, and the bill read the third time by its title.

The bill then passed.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk carry said bill to the Senate, and ask their concurrence therein.

Mr. Murphy of Perry presented the petition of Elictia Goforth, praying a divorce; which was read, and on his motion, referred to a select committee.

*Ordered*, That Messrs. Murphy of Perry, Jones, and Huey, be that committee.

Mr. McCutchen presented the petition of sundry citizens of Schuyler county, praying an alteration in the State road leading from Meredosia to Mount Sterling; the reading of which was, on his motion, dispensed with, and the same referred to the committee on State Roads.

Mr. Fisk, from the select committee to which was referred the petition of C. B. Blockburger, praying relief, reported a bill for "An act to grant a compensation to the Brigade Inspector of the first brigade and third division of Illinois militia;" which was read the first time, and

*Ordered* to a second reading.

Mr. Thornton presented the memorial of William Pickering, praying aid of the State in constructing the Mount Carmel and Louisville Railroad, and showing that revenue in aid of the internal improvement system of this State may be derived from that source; the reading of which was, on his motion, dispensed with, and the same referred to the committee on Internal Improvements.

Mr. McCutchen, from the select committee to which was referred a certain petition, reported a bill for "An act to incorporate the Rushville Railroad Company;" which was read the first time, and

*Ordered* to a second reading.

Mr. McWilliams, from the select committee to which was referred a certain petition, reported a bill for "An act to change a part of the State road leading from Philips's, Pike county, to Quincy, Adams county;" which was read the first time, and

*Ordered* to a second reading.

Mr. Webb of White, from the select committee to which was referred a certain petition, reported a bill for "An act to incorporate the Invincible Dragoons of the second division of Illinois militia;" which was read the first time, and

*Ordered* to a second reading.

On the further motion of Mr. Webb of White,

The rule of the House was dispensed with, and the bill read a second time by its title; and,

On his motion, referred to the committee on the Militia.

Mr. Henderson proposed for adoption the following resolution, viz:

*Resolved by the House of Representatives*, That the committee on State Roads be requested to inquire into the propriety of giving to the county commissioners' courts of the several counties in this State, exclusive jurisdiction of all subjects relating to State roads; and that they also inquire into propriety of the Legislature creating and locating State roads, and requiring the county commissioners' courts of the counties through which said roads are located, to make an appropriation to pay for said locations, and whether this is not a fruitful source of producing insolvency amongst the counties; that said committee be requested to embody in their report such other information on this subject as may be deemed necessary for the information of the House; and that said committee also inquire into the propriety of repealing so much of the road

laws as require the labor of the citizens on public roads, and providing by law that said roads be let to the lowest bidder for a year or term of years, such bidder giving bond and security in a sufficient penalty to perform the duties required of him by law, and that he be paid quarter yearly for his services out of the county treasury, by order of the county commissioners' court; and that the said committee report by bill or otherwise.

Mr. Henry moved to amend the resolution, by striking out the words "committee on State Roads," and inserting "committee on Canals and Canal Lands."

Mr. Murphy of Perry moved to amend the amendment, by adding after the words "State roads," in 6th line, the words "in their respective counties;" which was agreed to.

Mr. Naper moved to lay the whole upon the table; which was not agreed to.

The question was then taken on the amendment proposed by Mr. Henry, and not agreed to.

The resolution, as amended, was then adopted.

On motion of Mr. Aldrich,

*Resolved*, That the committee on Internal Improvements inquire into the propriety and expediency of constructing a railroad from the head of the Desmoines, or Lower Rapids, on the Mississippi river, to intersect the Peoria and Warsaw railroad, in the direction of Warsaw; and that they report by bill or otherwise.

On motion of Mr. Flood,

*Resolved*, That the committee on Elections be instructed to inquire into the expediency of so amending the law regulating elections, as to make it compulsory on the county commissioners' courts to appoint two sets of judges at all precincts, in their respective counties, where the vote given in such precinct shall amount to the number of 300, and one additional set for every 300 exceeding that number: also, into the propriety of postponing the next election of representatives to Congress until the year 1841; and that they report by bill or otherwise.

Mr. Craig asked and obtained leave to introduce a bill for "An act for the benefit of the counties therein named;" which was read the first time, and

*Ordered* to a second reading.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of a bill of the following title, viz:

"An act making partial appropriations." And he withdrew.

Mr. Walker of Vermilion asked and obtained leave to introduce a bill for "An act for the relief of the settlers upon the public lands;" which was read the first time, and

*Ordered* to a second reading.

Mr. Churchill asked and obtained leave to introduce a bill for "An act supplemental to the act, entitled 'An act to define the extent of possession in cases of settlement on the public lands,'" approved, 27th February, 1837; which was read the first time, and

*Ordered* to a second reading.

Mr. Williams, from the committee on Finance, made the following report, which was read, viz:

*The Committee on Finance, to which was referred that part of the Governor's Inaugural address which relates to currency, have had so much thereof as relates to the establishment of an Independent Treasury and to a National Bank under consideration; and a majority of said committee have directed me to make the following report:*

In reviewing the history of the United States, we find that the employment of banks, as fiscal agents, in keeping and disbursing the public moneys, is a practice almost coeval with the very organization of our Government. It was commenced during the administration of Washington, the first President of the Union, and was continued without intermission, through all the changes of administration, until the retirement of President Jackson from office.

For the greater part of this time, the first Bank of the United States, chartered by Congress, in 1791, and approved by President Washington, and the second United States Bank, chartered in 1816, and approved by President Madison, were the agents for the discharge of these duties: but during two periods, the banks chartered by the several States were substituted for a National Bank, viz: from the expiration of the charter of the first United States Bank in 1811, until the creation of the second in 1816; and from the removal of the deposits from the latter bank in 1833, until the end of President Jackson's term of office.

The practice, however, of employing some banks, either State or National, as fiscal agents for the General Government, was uniformly and constantly followed by all the Presidents, until the accession of Mr. Van Buren in 1837.

During this period of nearly half a century, our prosperity was unexampled. The increase of our wealth and population, the development of our resources, and our improvement in all the useful pursuits of civilized life, were extensive and rapid, beyond all parallel in the previous annals of the world. Vast tracts of country were reclaimed from the wilderness—forests were levelled—prairies converted into fertile fields—roads opened—rivers explored and the obstructions removed which impeded their navigation. The increase of agricultural products promoted the expansion of other branches of industry. Manufactures of various sorts sprang up and flourished; our commerce was pushed to every quarter of the globe; our sails whitened every sea; and the American flag floated in every breeze, from the Arctic ocean to the southernmost shores of the Pacific. The Old World saw with surprise and admiration our infant colonies, but recently formed into a union of States, advancing with giant strides to the rank of a mighty nation.

Thus it will be seen, from this brief history of the union which, until recently, existed between the General Government and banks, either State or National—and of the extraordinary and unprecedented degree of prosperity which accompanied us in our onward march during the period of this union—that a system, under which we have increased from a mere handful of people to a most powerful confederacy, and under which we have attained a condition so flourishing, cannot in itself be

*“radically and fundamentally defective.”* It is, therefore, a matter of no surprise, that a proposition to sever a union so useful and so beneficial should receive, at its very outset, a most decided and signal rebuke.

The first proposition for such a severance was submitted by Mr. Gamble, of Georgia, during the session of Congress held in the winter of 1834 and 1835. This was as follows:

*“Resolved,* That the Secretary of the Treasury be directed to communicate to this House, whether, in his opinion, it is practicable or convenient for that Department to collect, safely keep, and disburse the public moneys of the United States, without the agency of a bank or banks; and, if so, to report to this House the best mode, in his opinion, by which that object can be accomplished.”

On motion of Mr. M'Kim, a member of the administration party, the resolution was laid upon the table.

Mr. Gamble, afterwards, on the 6th day of January, 1835, introduced the following resolution:

*“Resolved,* That the Secretary of the Treasury be directed to digest, and prepare, and communicate to this House, a detailed plan by which the public revenue of the United States may be collected, safely kept, and disbursed, without the agency of a bank or banks, either State or National.”

On the 11th day of February, at the same session, the bill regulating the deposite of the money of the United States in certain local banks, being under consideration, a motion was made by Mr. Robertson, “that the said bill be recommitted to the Committee of Ways and Means, with instructions so to amend the same as to dispense with the agency or instrumentality of banks in the fiscal operations of the Government.”

Mr. Gordon moved to amend the said bill, and strike out all thereof after the enacting words, and insert—

“SEC. 1. That from and after the — day of — in the year —, the collectors of the public revenue, at places where the sums collected shall not exceed the sum of — dollars per annum, shall be the agents of the Treasurer, to keep and disburse the same, and be subject to such rules and regulations, and give such bond and security, as he shall prescribe for the faithful execution of their office; and shall receive, in addition to the compensation now allowed by law, — per centum on the sums disbursed, so that it does not exceed the sum of — dollars per annum.”

“SEC. 2. *And be it further enacted,* That at all places, where the amount of public revenue collected shall exceed the sum of — dollars per annum, there shall be appointed by the President, by and with the advice and consent of the Senate, receivers of the public revenue, to be agents of the Treasurer, who shall give such bond and security, to keep and disburse the revenue, and be subject to such rules and regulations, as the Treasurer shall prescribe; and shall receive for their services — per centum per annum on the sums disbursed: *Provided,* it does not exceed the sum of — dollars per annum.”

“SEC. 3. *And be it further enacted,* That from and after the — day of —, the whole revenue of the United States derived from customs, lands, or other sources, shall be paid in the current coin of the United States.”

The yeas and nays were taken upon these several propositions, and, by overwhelming majorities, they were all rejected. Among those who were opposed to their adoption, we find the names of C. C. Cambreleng, Zadok Casey, Richard M. Johnson, Wm. L. May, Henry A. Muhlenberg, James K. Polk, John Reynolds, and (with but very few exceptions) all the members friendly to the administration of President Jackson. Every attempt to effect a separation between bank and State was steadily resisted by the friends of the party in power. The scheme was disapproved by President Jackson himself, and the official paper at Washington denounced it, as subversive of the settled practice of the Government, as tending to increase, to an alarming extent, the power of the Executive, and exposing the public treasure to be plundered by a hundred hands, where one could not before reach it.

From that time until the special session of Congress, in September, 1837, after the accession of Mr. Van Buren, the project was laid asleep; and the State banks continued to be employed as the fiscal agents of the Government.

At the special session just referred to, the system now familiarly known as the Independent Treasury, or Sub-treasury system, was first brought forward as an administration measure. The party which, under President Jackson's administration, had voted against the proposition of Messrs. Gamble, Gordon, and Robertson, were now divided. A majority of the party, coinciding with President Van Buren, supported the measure, while a considerable minority adhered to their original view of the subject.

The bill was defeated at the special session. It was again brought up at the last regular session, and again lost—the Conservative party, as they have been called, remaining firm in their opposition to it.

Your committee do not wish to be understood as resisting, without inquiry or examination, all changes in the fiscal affairs of the Government. They are not hostile to such changes as may be shown to be necessary and proper: but, in view of the high degree of prosperity which the American nation has enjoyed under the system pursued since the foundation of the Government to the present day—when it is proposed to forsake that system and embrace a new and untried plan—they ask, what are the grounds, what are the reasons and considerations which render this change necessary and proper?—and this inquiry is deemed the more important, because of the signal condemnation passed upon this scheme during the session of Congress in 1834-35, above referred to, with the concurrence of some of those who are now advocating its adoption.

If the example of European nations be quoted, in which plans have been adopted similar to that under consideration—we ask if there be any thing in the character of their governments, or the condition of their subjects, which should excite the envy or challenge the imitation of the American people?

It may be said that it is improper to deposit with the Banks the public money, lest it be used as a fund for banking operations. In the opinion of your committee a sufficient answer to this objection is to be found in a recent vote of this House, declaring it inexpedient to make the collectors of our State revenues the custodiers and disbursers

of the same. That vote exhibits, on the part of this House, a preference for banks, over collecting officers, as fiscal agents for the safe keeping and disbursing of moneys, so far as our State revenues are concerned: and your committee are unable to perceive any difference of principle, whether the policy under consideration relates to the revenues of this State or to those of the United States.

A favorite argument in behalf of this scheme is, that it is a divorce of Bank and State, and the creation of an Independent Treasury.

To this your committee answer that it will divorce bank and State only to cement a union still more dangerous—the union of political influence with the influence of money—the Executive patronage with the control of the public purse. It will create a treasury, *independent* (it is true) of the people, and of their representatives, but dependent upon the President, the Secretary of the Treasury, and thousands of subordinate officers, who hold their appointments at the discretion of the President; among whom are to be included numerous secret agents who, under color of examining into the accounts of the collecting and disbursing officers, may be sent into every part of the Union to operate upon elections.

Another fruitful topic of declamation with the advocates of the Sub-treasury system is, the supposed insecurity of the public money in the deposit banks; and this is especially alluded to in that part of Governor Carlin's message which has been referred to this committee. In refutation of this idea, your committee deem it only necessary to quote from a report made by Mr. Woodbury, then and now Secretary of the Treasury, during the session of Congress of 1834 and 1835. He says—

“It is a singular fact, in praise of this description of public debtors—  
“the selected banks—that there is not now due on deposit, in the whole  
“of them, which have ever stopped payment, from the establishment of  
“the constitution to the present moment, a sum much beyond what is  
“now due to the United States from *one mercantile firm* that stopped payment in 1825 or 1826, and of whom ample security was required, and  
“supposed to be taken, under the responsibility of an oath.

“If we include the whole present dues to the Government from dis-  
“credited banks, at all times, and of all kinds, whether as depositories or  
“not, and embrace even counterfeit bills, and every other species of un-  
“available funds in the Treasury, they will not exceed what is due from  
“two such firms. Of almost one hundred banks, not depositories, which,  
“during all our wars and commercial embarrassments, have heretofore  
“failed in any part of the Union, in debt to the Government, on their  
“bills or otherwise, it will be seen by the above table that the whole  
“of them, except seventeen, have adjusted every thing which they owed,  
“and that the balance due from those, without interest, is less than  
“thirty-two thousand dollars.

“Justice to the State banking institutions as a body, whose conduct,  
“in particular cases, has certainly been objectionable, but whose injuries to the Government have been *almost incredibly exaggerated*, and  
“whose great benefits to it, both during the existence of our two National  
“Banks, and while neither of them existed, have been almost entirely  
“overlooked, has led me to make this scrutiny, and submit its results,  
“under a hope that it will, in some degree, not only vindicate them  
“from much unmerited censure, but justify this department for the

"confidence it formerly, and in the great improvement of their condition  
 "and of the financial affairs of the Government, has recently reposed  
 "in them. Under these circumstances, so very favorable, with the new  
 "security and examinations provided for, your former small losses by  
 "them, in keeping and paying over the public revenue, under circum-  
 "stances so very adverse, are compared with our large losses, either in  
 "collecting or disbursing that revenue, their present safety seems to be  
 "as great as is consistent with the usual operations of the paper system,  
 "*or with the credit which must always be entrusted by Government, in some  
 "way or other, to agents of some kind, in keeping the public money.* In con-  
 "sidering their safety, it should be constantly recollected that the  
 "owners and managers of banks, when properly regulated by legislative  
 "provisions in their charters, like other individuals, interested to transact  
 "business securely, are desirous of *making* and not losing money, and  
 "that these circumstances, with the preference, in case of failure, be-  
 "longing to depositors and holders of their bills over the stockholders,  
 "united with the security, if not priority, given to the Government,  
 "render them, in point of safety, generally, *much superior* to individual  
 "agents of the United States."

The report from which the foregoing quotations are made, was the basis of the late arrangement between the Government and the deposit banks.

What amount of loss has been sustained by the Government since the suspension of specie payments by those institutions, your committee have no exact means of ascertaining; but from the best sources of information within their reach, they are satisfied that the sum is very inconsiderable.

And they deem it not amiss to insert here a passage relating to these banks, from the message of President Van Buren to the present session of Congress, on the 3d December, 1838. He says: "It is no more than just to the banks to say that, in the late emergency, most of them firmly resisted the strongest temptations to extend their paper issues, when apparently sustained in a suspension of specie payments by public opinion, even though in some cases invited by legislative enactments. To this honorable course, aided by the resistance of the General Government, acting in obedience to the constitution and laws of the United States, to the introduction of an irredeemable paper medium, may be attributed, in a great degree, the speedy restoration of our currency to a sound state, and the business of the country to its wonted prosperity."

Your committee are of opinion that this testimony of the President to the honorable and patriotic conduct of the banks, during "the late emergency," furnishes a strong argument in their behalf, in addition to the considerations urged by Mr. Woodbury in the report already quoted; while the force and truth of some of these considerations have been abundantly demonstrated by the frequent and extensive defalcations of "individual agents of the United States."

The report of the Secretary of the Treasury to Congress, at its last session, presented a surprising list of defaulters among the collectors and receivers of the public moneys; and, very recently, the enormous defalcation of the collector at New York, amounting (as reported) to one million two hundred thousand dollars, has been thought worthy of "particular reference" to Congress by Mr. Van Buren.



Your committee, therefore, after mature consideration of those passages of Governor Carlin's message which have been referred to them, and of all the important subjects connected therewith, beg leave to submit the following resolutions, viz:

*Resolved by the General Assembly of the State of Illinois, That the present condition of the currency and the interests of the country, generally, do not seem to require the establishment of an Independent Treasury, and the collection and disbursement of the public revenue in specie.*

*Resolved, That our Senators in Congress be instructed, and our Representatives requested, to vote against any law or resolution having for its object the adoption of the Independent or Sub-treasury System, in any form whatever.*

*Resolved, further, That they be instructed to use all their efforts to prevent the recharter of the late National Bank, or the chartering of a National Bank of any kind.*

*Resolved, That the Governor be requested to transmit a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.*

And then the House adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Copeland,

Leave of absence was given to Mr. Webb of Alexander.

On motion of Mr. Happy,

Leave of absence was given to Mr. Cloud.

Mr. Walker of Vermilion, from the minority of the committee on Finance, made the following report, which was read, viz:

*The minority of the Committee on Finance, to which was referred that part of the Governor's Inaugural address relating to the currency, beg leave to report:*

That in an investigation of the matter, they were compelled to differ with the majority of the committee. This difference, however, they are willing to concede as an honest one on the part of the majority, as they wish to have the same accorded to them in the minority.

The committee having decided that it is neither necessary nor proper to establish a National Bank, this inquiry must therefore be limited to the two remaining propositions, which are, substantially, whether the Government shall renew a connection with the State Banks—a connection dissolved by the acts of the banks themselves—or whether some plan cannot be adopted better for the banks, the Government, and the people.

The first inquiry that naturally presents itself is, whether our paper-money banks possess any peculiar right to be the depositories of the General Government. The history of our banking institutions shows, conclusively, that they are established, for the most part, by those who wish to borrow, and not by those who wish to lend; and that their loans, so far from being extended alike to all responsible persons, are confined

to a favorite and monopolising few. This remark is made for the purpose of showing that banks have no right to be considered institutions established for the general good of all; on the contrary, that all the good they produce is confined to the directors, stockholders and their favorite friends; while all the evils they engender are distributed, with insidious art, among the rest of the community.

In their strictures on banking, generally, your committee would not be understood as expressing an opinion in relation to our own State institutions, which are constituted differently from most other banking institutions, and to aid the State in particular emergencies; but they cannot say they were created as a rightful receptacle of the funds of the General Government. In elucidation of this part of the subject, the committee would call attention to the following abstract from the discount sheet of the principal bank at Philadelphia, on the 9th of April, 1832:

"The whole amount of notes discounted, was \$7,939,679 52; of which more than two-thirds was loaned to ninety persons; more than three millions of dollars were in the hands of seventeen individuals, and nearly one-seventeenth part in the hands of one individual, leaving only \$529,974 26 to be divided among the rest of the community." And this by an institution called *National*.

If we had the same means of getting at what are called *State* banks, we should probably find that their loans were somewhat in the same proportion, and narrowed down to the smallest circle. Instances have occurred of bank presidents obtaining loans, from the institutions over which they presided, to three times the amount of their capital; and numerous instances are on record, where the whole loanable capital of the bank has been absorbed by two, three, or perhaps a dozen individuals.

A forcible reason for the Government refusing to receive paper money, or to deposite her funds in the vaults of the bank, is to be found in the fact that a number of these institutions have not yet resumed specie payments, and the reasonable doubt that exists as to the ability of many which have resumed to continue. The claim therefore which these institutions set up, of being established and conducted for the public good, is not borne out by the facts; and it follows that they have no particular right to the favor of the General Government.

The next consideration that presents itself is, the safety of these institutions as depositories of the General Government. From the tables of Mr. Gallatin, it would appear that one hundred and sixty-five banks failed from the 1st of January, 1811, to the 1st of January, 1830. At that time there were three hundred and thirty banks in operation; and as no alteration has been made in the system—as the principles on which they are founded and conducted are the same now as then—we must naturally look for like results; and that of the eight hundred or more banks now in existence, a third, or perhaps more, will be found in the course of the next fifteen or twenty years recorded in the list of broken banks.

Experience should teach wisdom; and the fact that the General Government was twice thrown on the verge of bankruptcy, through a connection with the State banks, should of itself be sufficient to deter us from adventuring on such an expedient again.

In 1816, the Government, with twenty-two millions of paper money in her vaults, was forced to borrow money to pay the interest on the Na-

tional debt; and in 1837, with upwards of thirty millions of money in the State banks, the Government was compelled to resort to the doubtful expedient of issuing Treasury notes in order to meet ordinary demands. Had this money been deposited with individuals, and had they proved as recreant to their trust as the banks have, no one would have thought of employing them again. The misfortune is, that the public mind makes a distinction between the acts of corporations and the acts of individuals; and that which would drive an individual from the public service with disgrace, is looked upon as an additional claim to public favor when committed by a corporation.

The conclusion then of the committee is, that the banks having twice proved recreant to their trust, added to the certainty that more or less of them will, in the course of time, fail to meet their engagements, warrant the assertion that they are not safe depositories of the public revenue.

Another consideration connected with this part of the subject is, the availability of the fund so deposited. It will be admitted, it is presumed, that the principal object the banks have in wishing to be the depositories of the nation, is for the purpose of increasing their loanable capital. The money deposited with them would form the basis on which they could extend their discounts; and so long as the Government has no use for the moneys, so long the banks become liberal—in other words, expand; but if the Government call on them for payment, they must immediately contract their discounts, and thus cause distress in the money market. The alternative that presents itself is, either delay to the Government or embarrassment to their customers.

After the passage of the law distributing the surplus revenue among the States, it became the duty of the Secretary of the Treasury to draw on the banks in New York, where the greater part of the revenue is collected, for a large amount of funds. As these funds had been used for the purpose of discounting, they could not be made available without distressing that commercial community; and a deputation visited Washington for the purpose of procuring a delay in the time of payment of their just debts.

The paramount interest of the country demands that whatever money is collected from the people for the use of the Government, should be so kept as to be always available without producing any alteration in the monetary affairs of the people.

In case of a war with any foreign power, the panic in the commercial market would be a signal for the banks to suspend specie payments; and no matter what amount of Government funds might be in their vaults, the war would have to be carried on with an irredeemable currency, or our country left a prey to the enemy. Another danger to be apprehended is, that having the means of war under their control, they might withhold those means and compel the Government to resort to such measures as they might choose to dictate.

The committee, therefore, do not concede that placing the funds of the Government in the State banks is putting them where they will be most available in time of emergency. The expansions and contractions of the banks are not one of the least evils of the banking system, as at present organized; and this evil has been, and will be, greatly increased by the banks being made the depository of the General Government.

When the revenue has accumulated to any considerable amount, the banks feel themselves free to enlarge their discounts, in other words, expand; money becomes plenty, the price of every thing increases in value, with the exception of labor, and an artificial stimulus is given to every department of trade known to our country; but, if the Government draw largely on them, they are forced to contract their discounts; money becomes scarce; panic and pressures are the order of the day; laborers, whose cost of living has been doubled by the expansion of prices, are now thrown entirely out of employment, and reduced to want—find shelter in the almshouse, or, perchance, acquire a precarious living by violation of law. Happily for the people of Illinois, they know not what real poverty is. Here, labor and economy will soon render a man partially independent of the mutations and changes that occur so frequently in the other parts of the Union. The ease with which land can be acquired; the small amount of labor necessary to make the earth produce her fruits, give to the industrious and laboring inhabitants of our State, advantages not possessed by similar inhabitants of the older States. It is asserted, and it is believed on good authority, that upwards of ten thousand people were thrown out of employment in the city of New York alone, by the suspension of specie payments. As the price of labor had not increased with the price of the necessaries of life, these people had no means of earning more than a bare subsistence, and, consequently, when thrown out of employment, were cast penniless on the world.

The great incentive to industry, economy, and rectitude of conduct, is the rational prospect that the labor of our youth will support the feebleness of age; but, by the ever changing value of our currency, which, in its turn, affects the value of every thing else, that income, which would at one time enable the decrepid and the aged to live in ease and comfort, will not at another time procure the necessaries of life. These frequent contractions and expansions are felt by the poor in a greater or less degree, as well as by all classes of society, leading to over-trading, speculation and ultimate ruin.

To check this evil, nothing would have so great an effect as for the Government to refuse receiving bank paper in payment for the public dues. The union of the purse and the sword have, in all countries, and at all times, been considered dangerous; and a union of this kind, cemented by an unnatural and unholy alliance between the General Government and the State banks, would, in the opinion of your committee, be productive of incalculable mischief, and ultimate bankruptcy to the Government.

There are at this time about eight hundred State banks in existence; and, allowing that the average number of persons immediately interested in each of them is five hundred, we then have an army of four hundred thousand persons directly interested in promoting the prosperity of the banks, and consisting of that class of the community who possess the greatest influence in society. Amongst them may be found the restless politician, the heartless speculator, and all those who subsist upon the unordered results of chance—the precarious favors of ever varying providence—who centre around the banks as the only source of hope against that which they call degradation of honest labor. If, to the number which we have already named, we add the number of official agents which an adminis-

tration might bring into the field, there is no party, no matter how honest their intentions—how holy their cause—but would be annihilated in a contest with such an allied power as this.

The outlines of the Independent Treasury system were first suggested by Mr. Jefferson, in a letter to Mr. Gallatin, thirty-six years since, and, so far from its being a new and untried experiment, its features are in the main the same as those which have governed the United States' Mint—almost the only fiscal agent of the Government which has been conducted without loss to the Government, or injury to the people.

The most prominent principles of the system are, that the Government shall gradually disconnect itself from the State banks, by requiring, on the commencement of the system, one-sixth part of the revenue to be paid in gold and silver; another sixth part to be added from year to year, until the time shall arrive when no other currency shall be received or disbursed, but that known to the constitution—"a gold and silver currency" being, in the words of Daniel Webster, "the law of the land at home, and the law of the world abroad." The Treasurer of the United States, the Treasurer of the Mint at Philadelphia and New Orleans, public receivers at Boston, New York, Charleston, and St. Louis; collectors of the customs at the remaining sea-port towns, and the receivers of the land offices, constitute the fiscal agents of the Government.

In order to prevent fraud and defalcation, many salutary checks and guards are provided, and the use or embezzlement of the public funds, by any of the receivers, is declared felony, and subjects the offender to imprisonment. But six additional officers are required to put the system in operation, at the expense of sixteen thousand five hundred dollars per annum. Such are the plain and practicable provisions of the Independent Treasury system; a system that has been in partial operation, but without the proper checks and guards, from the commencement of the Government; a system that places in the hands of the Government officers no new or dangerous powers; a system founded on the sound principle, that the Government should keep its money in its own hands, for its own use, collecting no more from the people than is necessary for a wise and economical administration of its affairs. The safety of the funds, and the certainty that they would always be available, are much greater than in banks. The officers of the Government and the officers of the banks are, or should be, selected for their probity and intelligence; and there is no reason to suppose that one is more liable to stray from the paths of honesty than the other. A temptation to commit robberies on the exchequer of the nation is no greater than the temptation to filch from the vaults of the banks—the advantages, even in this respect, being on the side of the Independent Treasury system; the accounts being so few and simple as scarcely to admit of false entries without the certainty of detection. The dangers from fire and robbery are less, as the precious metals, though melted, would still retain their intrinsic value; and the difficulties of carrying off and concealing gold and silver are much greater than purloining and secreting paper money.

There is still one great and important point in favor of this system; it is, that the General Government can always draw for its funds to meet any exigency that may arise, without interfering with the monetary affairs of the people—neither causing an expansion of money at one time,

or contraction at another—leaving the regulation of the paper money to the banks, and to the States who have assumed the responsibility of authorizing such issues. If it be asserted that a number of the prominent men of the nation, who have heretofore expressed opinions favorable to the State bank deposit system, are now opposed to it, the answer is, that the system had not then been fully tried; and that, when it was found to be utterly defective and wanting in all the requisites necessary for the safe keeping of the public funds, they at once abandoned it. But by a strange inconsistency in the human character, many of our public men who had denounced and prophesied all manner of evil of what they termed the pet bank system, only became convinced of its worth and value, when these depositories of the public money proved fraudulent to their trust, and spread ruin and desolation through the land. Among the names that stand out in bold relief, we find those of Henry Clay, John Quincy Adams, and Daniel Webster.

If it be asserted that our country has, during the whole period of her connection with the State banks, prospered beyond example, the answer is, that our prosperity was owing to far different causes, and that our natural resources are such as to cause us to flourish, despite of that connection. It would be hard to show that the failure of 160 banks, between 1811 and 1830, added any thing to the wealth of the country; and equally difficult would it be to prove that the recent failure or suspension of every bank in the Union was a measure calculated to advance the prosperity of the people.

It may be said that, if it be proper for the State to receive paper money in payment of taxes, the like reasons would apply to the General Government; but there is no analogy in the cases. For the State Government to refuse the notes of banks in which she has so large an interest, and over which she has a direct control, would be to discredit her own paper, and injure her own resources, and might be likened to the General Government refusing to take Treasury Notes in payment of the public dues. A recent defalcation of a collector of the customs is adduced as an argument showing the dangers of the Independent Treasury system. That defalcation commenced while the Bank of the United States was the fiscal agent of the Government—was extended under the State bank deposit system—and was finally detected under the present temporary Independent Treasury system.

The unconstitutionality and danger of a National Bank are sufficient to warrant your committee in an unqualified opposition to such an institution; and if evidence of its unconstitutionality, danger, and inutility is asked for by its friends, they are respectfully referred to the speech of Henry Clay, delivered in Congress in 1811.

Your committee, therefore, concur in so much of Governor Carlin's inaugural address as has reference to the currency; and, in conclusion, report the following resolution:

*Resolved*, That our Senators be instructed, and our Representatives requested, to vote for any bill having for its object the disconnection of Bank and State.

E. M. DALEY,  
J. WILSON GOUGE,  
ISAAC P. WALKER,  
WM. COMPHER.

Mr. Calhoun moved that the reports made to day by the majority of the committee on Finance, as well as that made by the minority, be laid on the table, and that 1,000 copies of each be printed.

Mr. Thornton called for a division of the questions.

The question was then taken on laying on the table; and decided in the affirmative.

The question was then taken on printing 1,000 copies of each report; and decided in the negative.

Mr. Williams moved that 500 copies be printed; which was agreed to.

The question pending last evening when the House adjourned, being on concurring in the report of the committee of the Whole House in their amendments to the resolution, and proposed amendment thereto, in relation to the public revenue, coming up for consideration:

Mr. Williams moved to lay the whole on the table; which was agreed to.

On motion of Mr. Hardin,

The House again resolved itself into a committee of the Whole House on the preamble and resolutions in relation to the continuation of the Cumberland road, west of Vandalia; and after some time spent therein, the Speaker resumed the chair, and Mr. Ficklin reported that the committee of the Whole House had, according to order, had said preamble and resolutions under consideration, and had amended the same by striking out all after the word "Resolved;" in which amendment he was directed to ask the concurrence of the House.

On the question—"Will the House concur with the committee of the Whole in their amendment?"

It was decided in the affirmative.

Mr. Pace moved that the preamble and resolutions be laid upon the table.

When,

The House adjourned.

### WEDNESDAY, DECEMBER 19, 1838.

House met pursuant to adjournment.

Mr. Henderson, from the committee on Enrolled Bills, reported, as correctly enrolled, a bill, entitled "An act making partial appropriations."

Mr. Maus, from the committee on Engrossed Bills, reported as correctly engrossed, a bill for "An act to provide for the collection of demands growing out of contracts for sales of the possession of the public lands."

Mr. Stapp, from the select committee to which was referred a certain petition, reported a bill for "An act to relocate a part of a State road therein named;" which was read the first time, and

*Ordered* to a second reading.

Mr. Walker of Fulton presented the petition of the proprietors of the town of Vienna, in the county of Fulton, praying the Legislature of Illinois to change the name of said town; the reading of which was, on his motion, dispensed with, and the same referred to a select committee.

*Ordered*, That Messrs. Walker of Fulton, Stapp, and Rawalt, be that committee.

Mr. Naper proposed for adoption the following resolution, viz:

*Resolved by the House of Representatives, the Senate concurring herein*, That the two Houses convene in the Hall of the House of Representatives, on Thursday, the 20th instant, at two o'clock, P. M., for the purpose of electing a public printer for the State of Illinois, and also the Attorney General, Auditor, Treasurer, and State's Attorneys for the several judicial circuits.

Mr. Carpenter proposed to amend the resolution by striking out the words "Auditor, Treasurer, and State's Attorneys for the several judicial circuits;" which was not agreed to.

On motion of Mr. Craig,

The resolution was amended by adding at the end thereof, the words "except in the sixth judicial circuit."

Mr. Webb of White moved to lay the resolution as amended on the table; which was decided in the negative.

The resolution as amended was then adopted.

*Ordered*, That the Clerk carry said resolution to the Senate, and ask their concurrence therein.

On motion of Mr. Pace,

*Resolved*, That the committee on Internal Improvements be instructed to inquire into the expediency of providing, by law, that, in the location of the Central Railroad, it shall pass through the towns of Vienna, Frankfort, Mt. Vernon, and Salem; and that they also take into consideration the advantage that would arise to the State, and also to the towns above specified, and the citizens of the counties through which the said railroad will pass, by making the alteration herein specified—they being truly interior counties, and almost entirely destitute of natural means of transportation and inter-communication; and that they report by bill or otherwise.

Mr. Ficklin proposed for adoption the following preamble and resolutions, viz:

*Whereas*, at the time of framing and adopting the present Constitution of the United States, there was a strong party whose favorite project was to make the tenure of the offices of the President and Senators of the United States endure for life, and of clothing Congress and the Executive with unlimited powers, reserving but few to the several States:

And whereas the State Rights or Republican party, with Thomas Jefferson and James Madison at its head, was opposed to a strong consolidated empire, and believed that the powers of the Federal Government should rest in certain grants, clearly expressing, and explicitly defining, all powers, rights, and privileges, bestowed upon the Federal Government; and, therefore, had the following provision incorporated into said Constitution—"that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people:"

And whereas the Federal Constitution is one whose very existence is derived from the States, acting in their high sovereign capacity as States, and the Constitution of the United States is alone the charter of the powers of the Federal Government, and when that is transcended by the Executive, Judicial or Legislative Departments of the General Government,



they act in derogation of the reserved rights of the States, and substitute their own discretion as the measure of their power:

And whereas the Federal party succeeded, in 1796, in electing the elder Adams to the Presidency, and in 1798, his friends, adopting a latitudinous construction of the Constitution of the United States, and claiming substantive and distinct powers by implication, which were not conferred in that sacred instrument, succeeded in passing through Congress the "Alien and sedition laws," and the same were approved and signed by the elder Adams; which said laws not only muzzled the press in regard to public functionaries, but also armed the Executive of the nation with fearful and alarming discretionary powers over the person and property of alien friends:

And whereas the Virginia and Kentucky Legislatures, in 1798 and '99, passed resolutions condemnatory of the odious and tyrannical doctrines contained in the "Alien and sedition laws," and of the flagrant encroachments upon, and violations of, the rights of the States; in which resolutions they, in a most lucid manner, define the great land-marks which separate the Federal and State Governments:

And whereas the great Republican State Rights party rallied upon Thomas Jefferson, "the apostle of American liberty," and, after one of the most acrimonious and exciting conflicts ever witnessed in this or any other country, effected that great political revolution by which Thomas Jefferson, in 1801, was placed in the executive chair of the nation:

And whereas, in our country, all power is vested in the people, and is subject to their disposal—and all of our institutions are founded upon the broad basis that the people are capable of self-government: Therefore,

1. *Resolved by the House of Representatives*, That it is safe to recur frequently to fundamental principles, that we may the better detect new-fangled doctrines and popular heresies.

2. *Resolved*, That the resolutions of the Virginia and Kentucky Legislatures of 1798–9, penned by Madison and Jefferson, in opposition to the "Alien and sedition laws," contain the correct doctrines in respect to the powers of the Governments of the several States, and of the United States; and that we do concur in the doctrines contained in said resolutions.

3. *Resolved*, That the doctrine of implied powers, as contended for by the Federal party, destroys not only the Constitution itself, but totally annihilates the rights of the States, and constructs upon their ruins a vast central and consolidated empire.

4. *Resolved*, That when the Federal Constitution—the great charter of the rights of the minority—shall be construed away or disregarded, the dominant party have an unlimited control over the person and property of the citizen, and over all offices and their emoluments, restricted only by the unchastened discretion of those who happen to be in power.

5. *Resolved*, That we are in favor of a strict construction of the Federal Constitution, and are opposed to the Legislative, Executive, or Judicial Departments of that Government exercising any power which is not delegated, or plainly deducible from, and incident to, some substantive grant of power.

6. *Resolved*, That the discretionary exercise, by any one man, of the undefined and undefinable patronage of the Federal Government, is dan-

gerous to Republican liberty, and that it should be curtailed and checked by all the restrictions and safe-guards which can be constitutionally thrown around it.

7. *Resolved*, That it is the duty of those holding office at the hands of the people, whether in the State or National Governments, to obey the known will of a majority of their constituents or resign the trust confided to them; and the doctrine that the Representative should not be "palsied by the will of his constituents," whether coming from those claiming to be Federalists or Republicans, is radically wrong in principle, and at war with the frame and spirit of our Government.

8. *Resolved*, That the illustrious framers of our Federal Constitution, acting upon the sound and safe principle, that "the world is governed too much," designed to make ours a Government of republican simplicity and plainness, conducted with an eye to economy—taking from the people by exactions and taxes no more money than might be absolutely necessary for the administration of the Government.

Mr. Fisk moved that the preamble and resolutions be referred to a select committee.

Mr. Murphy of Vermilion moved that they be laid on the table, and that 200 copies be printed.

Mr. Pace called for a division of the question.

The question was then taken on laying on the table, and decided in the affirmative.

The question was then taken on printing 200 copies, and decided in the negative; when,

On motion of Mr. Walker of Vermilion,  
150 copies were ordered to be printed.

On motion of Mr. Alexander,

*Resolved by the House of Representatives, the Senate concurring herein*, That our Senators in Congress be instructed, and our Representatives requested to use their best exertions to procure an appropriation for the further completion of the Cumberland road from Terre-haute, Indiana, to Vandalia, Illinois; and that the Governor be requested to transmit a copy of the above resolution to each of our Senators and Representatives in Congress.

*Ordered*, That the Clerk carry said resolution to the Senate, and ask their concurrence therein.

On motion of Mr. Rawalt,

*Resolved*, That the Governor be requested to inform this House whether this State has received from the General Government the quantity of arms for supplying the militia due the State, and, if received, where deposited.

On motion of Mr. Happy,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of making it a felony, punishable by imprisonment, for any officer to convert to his own use, in any way whatever, any of the funds of this State intrusted to him for safe-keeping, transfer, or disbursement.

Mr. Logan asked and obtained leave to introduce a bill for "An act to amend an act, entitled 'An act to establish and maintain a general sys-

tem of Internal Improvement,' approved February 27, 1837;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Logan,

The rule of the House was dispensed with, and the bill read the second time by its title; and,

On the further motion of Mr. Logan,

The bill was referred to the committee on Internal Improvements.

Mr. Webb of White asked and obtained leave to introduce a bill for "An act to incorporate the Grayville and Albion Railroad Company;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Logan,

The rule of the House was dispensed with, and the bill read a second time by its title; and,

On the further motion of Mr. Logan,

The bill was referred to the committee on Internal Improvements.

Mr. Henderson asked and obtained leave to introduce a bill for "An act for the relief of the late Warden of the penitentiary;" which was read the first time, and

*Ordered* to a second reading.

Mr. McCutchen moved that the House adjourn until 2 o'clock, P. M.; which was not agreed to.

Mr. Rawalt asked and obtained leave to introduce a bill for "An act to amend an act entitled, 'An act to incorporate the Canton College of Illinois;'"

When,

The House adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The bill introduced by Mr. Rawalt this morning, entitled "An act to amend an act, entitled 'An act to incorporate the Canton College of Illinois,'" was read the first time, and

*Ordered* to a second reading.

Mr. Compher asked and obtained leave to introduce a bill for "An act authorizing the Governor to commission the sheriff of Peoria county;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Compher,

The rule of the House was dispensed with, and the bill read a second time by its title, and

*Ordered* to be engrossed for a third reading.

On motion of Mr. Henry.

The vote taken on yesterday evening, on concurring with the committee of the Whole House in their amendment to the preamble and resolutions in relation to the continuation of the Cumberland road west of Vandalia, was reconsidered; when,

On motion of Mr. Johnson,

The preamble and resolutions and the report of the committee of the Whole House were referred to a select committee.

*Ordered*, That Messrs. Johnson, Jarrott, and Robert Smith, be that committee.

Mr. Craig asked and obtained leave to introduce a bill for "An act to authorize Benjamin McKay and others to lay off additional lots in the town of Stephenson, in Rock Island county;" which was read the first time, and

*Ordered* to a second reading.

Mr. Hardin asked and obtained leave to introduce a bill for "An act relative to the town of Naples;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Hardin,

The rule of the House was dispensed with, and the bill read a second time by its title, and

*Ordered* to be engrossed for a third reading.

Mr. Robert Smith asked and obtained leave to introduce a bill for "An act to amend an act, entitled 'An act to incorporate the city of Alton;'" which was read the first time, and

*Ordered* to a second reading.

Mr. Hankins asked and obtained leave to introduce a bill for "An act permanently locating the seat of Government for the State of Illinois and other purposes;" which was read the first time, and

*Ordered* to a second reading.

Mr. Maus asked and obtained leave to introduce a bill for "An act to vacate certain alleys in the town of Tremont;" which was read the first time, and

*Ordered* to a second reading.

The engrossed bill, entitled "An act to vacate the town plat of the town of Peru, in McLean county," was read the third time and passed.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk carry said bill to the Senate, and ask their concurrence therein.

The bills entitled "An act to incorporate the town of Danville;"

"An act to incorporate the Warsaw University of Illinois;"

"An act to incorporate the Menard Academy of Kaskaskia;"

"An act to repeal part of the act, entitled 'An act to incorporate the Kaskaskia Bridge Company;'"

"An act to establish the county of Marshall;"

"An act to amend an act, entitled 'An act authorizing a lottery to raise funds for the purpose of draining the ponds of the American bottom;'"

"An act to incorporate the town of Warsaw;"

"An act to amend an act, entitled 'An act to incorporate the Carmi Bridge Company,' approved, Feb. 6, 1835;"

"An act to vacate a part of an addition to the town of Danville;"

"An act for the relief of the securities of Thomas Moore;"

"An act to prevent trespassing by cutting timber;"

"An act to repeal a certain act therein named;"

"An act supplemental to an act to incorporate the Rushville Railroad Company," approved, Jan. 16th, 1836:" and

"An act to relocate a part of a certain State road therein named;" were severally read the second time, and

*Ordered* to be engrossed for a third reading.

The bill, entitled "An act to vacate a part of the Shelbyville and Danville State road," was read the second time, and,

On motion of Mr. Cunningham,

Referred to a select committee, consisting of Messrs. Cunningham, Walker of Vermilion, and McMillan.

The bill, entitled "An act allowing limited and special partnerships," was read the second time, and

On motion of Mr. Dawson,

Referred to the committee on the Judiciary.

The bill for "An act declaring a certain road in Wayne county a State road," was read the second time, and,

On motion of Mr. Archer,

Referred to the committee on State Roads.

The bill, entitled "An act for the appropriation of the Vermilion saline lands, and moneys arising from the sales thereof," was read the second time, and

Referred to a select committee, consisting of Messrs. Walker of Vermilion, Dubois, and Elliott.

The bill for "An act to relocate a State road in McLean county," was read the second time, and,

On motion of Mr. Moore,

Referred to the committee on State Roads.

The bill for "An act to relocate a State road in the town of Grand View," was read the second time, and,

On motion of Mr. Allen of Greene,

Referred to the committee on State Roads.

A message from the Council of Revision, by Mr. McLean:

*Mr. Speaker:* The Council of Revision have approved a bill, entitled "An act making partial appropriations." And he withdrew.

The bill for "An act to incorporate the Illinois Mutual Fire Insurance Company," was read the second time, and,

On motion of Mr. Williams,

Referred to the committee on the Judiciary.

The bill for an "An act to repeal part of an act incorporating the city of Chicago," was read the second time, and,

On motion of Mr. Naper,

Referred to a select committee, consisting of Messrs. Naper, Churchill, and Calhoun.

The bill for "An act to relocate part of a certain State road therein named," was read the second time, and,

On motion of Mr. Copeland,

Amended by adding after the word "Pope," in the first section, the words "and William Sampson and Hiram Job, of Johnson county."

On motion of Mr. Moore,

The bill was referred to the committee on State Roads.

The bill for "An act to authorize Henry W. Cleaveland to build a toll-bridge across the Winnebago swamp," was read the second time, and,

On motion of Mr. Craig,

Referred to the committee on State Roads.

The bill for "An act supplementary to an act, entitled 'An act to incor-

porate the Alton Marine and Fire Insurance Company," was read the second time, and,

On motion of Mr. Robert Smith,

Referred to the committee on the Judiciary.

The bill for "An act to divorce Louisa Goodman," was read the second time, and,

On the question—"Shall the bill be engrossed and read the third time?"

It was decided in the negative.

The bill for "An act to amend an act, entitled 'An act to amend an act for the limitation of actions and for avoiding vexatious law suits,'" was read the second time, and,

On motion of Mr. McCutchen,

Referred to the committee on the Judiciary.

The bill for "An act to amend an act, entitled 'An act to locate a State road in the county of Edgar,' approved, 19th Jan., 1837," was read the second time, and,

On motion of Mr. Archer,

Referred to the committee on State Roads.

The bill for "An act to incorporate the Illinois Insurance Company," was read the second time, and,

On motion of Mr. Naper,

Referred to the committee on the Judiciary.

The bill for "An act to establish a State road in Franklin and Union counties," was read the second time, and,

On motion of Mr. Bainbridge,

Referred to a select committee.

Ordered, That Messrs. Bainbridge, Zimmerman, and Copeland, be that committee.

The bill for "An act to establish a State road in Franklin county," was read the second time, and,

On motion of Mr. Allen of Greene,

Referred to the committee on State Roads.

The bill for "An act limiting justices of the peace and constables to their several districts, respectively," was read the second time, and,

On motion of Mr. Moore,

Referred to the committee on the Judiciary.

The bill for "An act providing for the election of a public binder, and defining his duties," was read the second time, and,

On motion of Mr. English,

Referred to the committee on Finance.

The bill for "An act to construct bridges across the Kaskaskia and Embarrass rivers, at or near the points where the Springfield trace crosses said streams, and for other purposes," was read the second time, and,

On motion of Mr. Ficklin,

Referred to the committee on Internal Improvements.

The bill for "An act for the relief of Joseph Street," was read the second time, and,

On the question—"Shall the bill be engrossed for a third reading?"

It was decided in the negative.

The bill for "An act to establish a State road from McLeansboro' to Mount Vernon," was read the second time, when,

On motion of Mr. Pace,

The bill was amended by adding after the word "point," in the first section, the words "between James Osburn's and Barton Atchison's."

On motion of Mr. Archer,

The bill was referred to the committee on State Roads.

The bill for "An act to grant a compensation to the Brigade Inspector of the first brigade and third division of Illinois militia," was read the second time, and,

On motion of Mr. Edmonston,

Referred to the committee on the Militia.

The bill for "An act to change a part of the State road leading from Phillip's, in Pike county to Quincy, in Adams county," was read the second time, and,

On motion of Mr. Menard,

Referred to the committee on State Roads.

The bill for "An act for the benefit of the counties therein named," was read the second time, when,

Mr. Moore moved to add after the word "Cass," the word "Livingston," when,

On motion of Mr. Murphy of Vermilion,

The bill and proposed amendment were referred to the committee on Internal Improvements.

The bill for "An act supplemental to the act, entitled 'An act to define the extent of possession in cases of settlement on the public lands,' approved 27th Feb., 1837," was read the second time, and,

On motion of Mr. Hardin,

Referred to the committee on the Judiciary.

The bill for "An act for the relief of the settlers upon the public lands," was read the first time, and,

On motion of Mr. Ficklin,

Referred to the committee on the Judiciary.

The engrossed bill, entitled "An act to provide for the collection of demands growing out of contracts for sales of the possession of the public lands," was read the third time and passed.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk carry said bill to the Senate, and ask their concurrence therein.

And then the House adjourned.

THURSDAY, DECEMBER 20, 1838.

House met pursuant to adjournment.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have adopted the following resolution, viz:

*Resolved by the Senate, the House of Representatives concurring herein*, That the Board of Public Works employ a competent engineer to survey the inundated lands, lakes, and ponds in the American bottom, and report

to the next Legislature upon the practicability and probable cost of draining the same, and the probable additional cost of constructing a canal through the same.

In the adoption of which they ask the concurrence of the House of Representatives. And he withdrew.

Mr. George Smith presented the petition of a number of the citizens of Upper Alton, praying the repeal of the act incorporating said town; the reading of which was, on his motion, dispensed with, and referred to a select committee.

*Ordered*, That Messrs. George Smith, Thomas of St. Clair, and Lincoln, be that committee.

Mr. Brown presented the petition of sundry citizens of Schuyler county, praying the vacation of a certain State road in the county of Schuyler; the reading of which was, on his motion, dispensed with, and the same referred to the committee on State Roads.

Mr. Robert Smith, from the committee on the Penitentiary, to which was referred a certain resolution, made the following report, viz:

The committee on the Penitentiary, to which was referred a resolution inquiring into the cause of the recent escapes of convicts from the penitentiary, have had the same under consideration, and have directed me to report, that they have not been able to gather sufficient information on the subject of the resolutions to enable them to report definitely on the subject. Your committee are of opinion that the information called for by the resolution can only be acquired by sending a committee to examine said penitentiary, with power to call for persons and papers, in order to a full and thorough examination of all matters and things relating to the penitentiary, and the management thereof; and they had directed him to report a bill for "An act making an appropriation for the penitentiary;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Craig,

The rule of the House was dispensed with, and the bill read the second time by its title; and,

On motion of Mr. Robert Smith,

Referred to the committee on Finance.

Mr. Ficklin, from the committee on Education, to which was referred a certain resolution, reported a bill for "An act to distribute the school fund to the several counties in this State;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Murphy of Perry,

The rule of the House was dispensed with, and the bill read the second time by its title; and,

On motion of Mr. English,

Laid on the table, and 200 copies ordered to be printed.

Mr. Edmonston, from the committee on Elections, to which was referred a certain resolution, reported a bill for "An act making the office of school commissioner elective by the people;" which was read the first time, and

*Ordered* to a second reading.



A message from the Senate, by Mr. Thomas, a Senator:

*Mr. Speaker:* I am directed to inform the House of Representatives that the Senate have passed a bill of the following title: "An act making an appropriation for the completion and finishing of the State house at Springfield."

In the passage of which they ask the concurrence of the House. And he withdrew.

Mr. Murphy of Vermilion presented the petition of sundry citizens of Vermilion county, praying for the repeal of laws which authorize the retailing of ardent spirits, and asking the enactment of a law prohibiting the same; which was read: when,

Mr. Walker of Vermilion moved to refer it to the committee on the Judiciary.

Mr. Hardin moved to refer it to the committee on Public Buildings and Grounds.

Mr. McCutchen moved to refer it to the committee on Finance.

The question was then taken on referring to the committee on the Judiciary, and decided in the affirmative

Mr. Thornton presented the petition of sundry inhabitants of Shelby county, praying a change in the location of that part of the State road from Shelbyville to Danville, lying in the aforesaid county; the reading of which was, on his motion, dispensed with, and referred to the same select committee to which was referred a bill on the same subject.

Mr. Walker of Vermilion, from the select committee to which was referred a certain petition, reported a bill for "An act to relocate a part of a State road in Edgar county;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Walker of Vermilion,

The rule of the House was dispensed with, and the bill read the second time by its title; and,

On the further motion of Mr. Walker of Vermilion,

Referred to the committee on State Roads.

On motion of Mr. Fisk,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of locating a seat for a State college or seminary of learning, and the erecting of suitable buildings for the purpose, as contemplated by an ordinance of Congress of 1818; and that they report by bill or otherwise.

On motion of Mr. McMillan,

*Resolved by the House of Representatives*, That the committee on Elections be instructed to report a bill to authorize the commissioners of the several county courts of this State to so lay off their respective counties into three districts, as to make the number of voters in each district as nearly equal as may be, for the purpose of electing one county commissioner in each district.

On motion of Mr. Hardin,

*Resolved*, That the committee on the Judiciary be instructed to report a bill to prevent betting on elections.

Mr. McMillan moved that the resolution offered by him some days since, and which was laid on the table, disapprobating the appointment

of members of the Legislature to any office, &c., be now taken up for consideration; which motion was rejected.

Mr Stapp proposed for adoption the following resolution, viz:

*Resolved by the House of Representatives, the Senate concurring herein,* That a joint select committee of three on the part of the House, and two on the part of the Senate, be appointed, with instructions to draft a memorial praying Congress for the passage of a law making additional appropriations for the improvement of the navigation of the Mississippi river, at the Des Moines rapids; and also that they ask an appropriation or donation of ——— acres of land, situated on and near Rock river, for the purpose of aiding the State in the improvement of the navigation of said river.

Mr. Walker of Vermilion moved to lay the resolution upon the table; which was agreed to.

Mr. Robinson asked and obtained leave to introduce a bill for "An act for the relief of the inhabitants of township two south, range eight east, in Wayne county;" which was read the first time, and

*Ordered* to a second reading.

Mr. Copeland asked and obtained leave to introduce a bil for "An act to establish a State road in Johnson and Union counties;" which was read the first time, and

*Ordered* to a second reading.

Mr. Alexander asked and obtained leave to introduce a bill for "An act making appropriations to build bridges across the Embarrass river, and the north fork of the same, on the State road from Palestine to Vandalia;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Alexander,

The rule of the House was dispensed with, and the bill read a second time by its title.

Mr. Murphy of Vermilion moved that the bill be referred to the committee on Internal Improvements.

Mr. Alexander moved to refer the same to the committee on State Roads.

The question was then taken on referring the bill to the committee on Internal Improvements; which motion was rejected.

The question was then taken on referring to the committee on State Roads; which was agreed to.

Mr. McCutchen asked and obtained leave to introduce a bill for "An act regulating evidence in certain cases;" which was read the first time, and

*Ordered* to a second reading.

Mr. Williams proposed for adoption the following resolution, viz:

*Resolved by the House of Representatives,* That we deprecate the practice of the General Assembly of electing members of their own body to fill State offices, as corrupting in its tendencies, by throwing around such members as intend to become candidates for such offices an influence adverse to impartial legislation.

Mr. Calhoun moved to lay the resolution oa the table;

Which was decided in the negative, by yeas and nays, as follow, upon the call of Messrs. Williams and Murphy of Vermilion, viz:

Those who voted in the affirmative, are,

Messrs. Allen of Franklin, Bainbridge, Calhoun, Carpenter, Churchill, Dunn, Edmonston, Green of Clay, Harris, Huey, Logan, Maus, Moore, Murphy of Perry, Naper, Robinson, Thornton, Walker of Vermilion, Webb of White, Wood, Zimmerman, and Mr. Speaker—22.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Greene, Brown, Compher, Copeland, Craig, Crain, Cunningham, Dawson, Dubois, Edwards, Elkin, Elliott, Emmerson, English, Ficklin, Fisk, Flood, Foster, Gilham, Gouge, Green of Greene, Hankins, Happy, Hardin, Henderson, Henry, Holmes, Houston, Hull, Jarrott, Johnson, Jones, Kent, Lincoln, McCormick, McCutchen, McMillan, McWilliams, Menard, Morgan, Murphy of Vermilion, Otwell, Pace, Rawalt, Read, Roberts, George Smith, Robert Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, and Williams—54.

Mr. Happy moved to amend the resolution by adding the following at the end thereof, which was accepted by Mr. Williams, viz:

"We deprecate, further, the practice of appointing them to offices in either of the Banks in this State."

Mr. Ficklin moved to amend the resolution, by adding at the end thereof the following, viz:

"And that we will not vote for any member of the Legislature for office during the term for which he may have been elected."

Mr. Naper moved to refer the resolution to a committee of the Whole House, and make it the special order of the day for this evening; which was not agreed to.

And then, on motion, the House adjourned until two o'clock; P. M.

#### TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Williams,

Mr. McWilliams had leave of absence given him.

On motion of Mr. Williams,

The orders of the day were postponed, and the resolution pending when the House adjourned this forenoon was taken up for consideration.

Mr. Henry moved to refer the resolution and proposed amendment to the committee on the Judiciary; which was not agreed to.

Mr. Churchill moved to amend the resolution by adding after the word "member," the following, viz: "or their relations or connexions;"

Which was not adopted, by yeas and nays, as follow, upon the call of Messrs. Walker of Vermilion and Lincoln, viz:

Those who voted in the affirmative, are,

Messrs. Churchill, Dubois, Edwards, Elliott, French, Gouge, Hardin, Harris, Holmes, Huey, Lincoln, Maus, Menard, Murphy of Perry, Naper, Thomas of St. Clair, Thornton, and Zimmerman—18.

Those who voted in the negative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Baker, Bainbridge, Brown, Calhoun, Carpenter, Compher, Copeland,

Craig, Crain, Cunningham, Daley, Dawson, Dunn, Edmonston, Elkin, Emmerson, English, Ficklin, Fisk, Flood, Foster, Gilham, Green of Clay, Green of Greene, Hankins, Happy, Henderson, Henry, Houston, Hull, Jarrott, Johnson, Jones, Kent, Kercheval, Logan, Lyons, McCutchen, McMillan, Moore, Morgan, Murphy of Cook, Murphy of Vermilion, Otwell, Pace, Philips, Rawalt, Read, Roberts, Robinson, Roman, Smith of Wabash, George Smith, Robert Smith, Stapp, Thomas of McLean, Walker of Fulton, Walker of Vermilion, Webb of White, Williams, Wood, and Mr. Speaker—66.

The question was then taken on Mr. Ficklin's amendment, and decided in the negative.

Mr. Walker of Vermilion moved to amend the resolution by adding after the word "body," the words "or any of their intimate friends;" which motion was rejected.

Mr. Johnson moved to amend the resolution by adding after the word "legislature," the words "and should not be countenanced, except the public good should require it;" which motion was rejected.

On motion of Mr. Murphy of Vermilion,

The resolution was amended by adding at the end thereof, the following, viz:

"And also the appointment of members of the Legislature by the Board of Public Works to any office in their gift."

The question was then taken on the adoption of the resolution as amended,

And decided in the affirmative, by yeas and nays, as follow, upon the call of Messrs. Williams and Murphy of Vermilion, viz:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Green, Archer, Brown, Carpenter, Compher, Copeland, Craig, Cunningham, Dubois, Emmerson, English, Fisk, Flood, Foster, French, Gilham, Green of Greene, Hankins, Happy, Hardin, Henderson, Henry, Holmes, Houston, Jarrott, Johnson, Jones, Kent, Lincoln, McCutchen, McMillan, Menard, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, Stapp, Thomas of McLean, Walker of Fulton, Webb of White, and Williams—44.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Franklin, Baker, Bainbridge, Calhoun, Churchill, Crain, Daley, Dawson, Dunn, Edmonston, Edwards, Elkin, Elliott, Ficklin, Gouge, Green of Clay, Harris, Huey, Hull, Kercheval, Logan, Lyons, McCormick, Maus, Moore, Morgan, Murphy of Cook, Murphy of Perry, Naper, Pace, Robinson, Roman, Smith of Wabash, George Smith, Robert Smith, Thomas of St. Clair, Thornton, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—42.

The resolution from the Senate, in relation to a survey of the inundated lands, lakes, and ponds, in the American bottom, was read; and,

On motion of Mr. Dubois,

Referred to a select committee of five.

*Ordered*, That Messrs. Dubois, English, George Smith, Jarrott, and Morgan, be that committee.

The bill from the Senate, entitled "An act making an appropriation

for the completion and furnishing of the State house at Springfield," was read the first time, and

*Ordered* to a second reading.

And then the House adjourned.

FRIDAY, DECEMBER 21, 1838.

House met pursuant to adjournment.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have adopted the following resolution, viz:

*Resolved by the Senate and House of Representatives,* That there shall be a joint select committee of one on the part of the Senate, from each Judicial Circuit, and one on the part of the House from each Circuit, with instructions to reorganize the circuits of this State, and to inquire into the expediency of forming one or more additional circuits; and have appointed, Messrs. Thomas, Servant, Gatewood, Davidson, Ross, Hamlin, and Peck, the committee on their part.

In the adoption of which, they ask the concurrence of the House of Representatives.

They have concurred with the House in the adoption of the preamble and resolutions relative to surveying and subdividing township 5 north, 14 west, on the Embarrass river, &c.

They have also concurred with the House in the adoption of the resolution relative to the completion of the Cumberland road, as amended by them. They amend by striking out "Vandalia," and inserting "Alton."

In which amendment they ask the concurrence of the House.

They have also concurred with the House in the adoption of the resolution asking of Congress the granting of a bounty in land to volunteer militiamen in the late war with Great Britain, &c.

They have also concurred with the House in the adoption of the resolutions, "that our Senators in Congress be instructed and our Representatives requested to secure an appropriation sufficient to put all the unsurveyed lands in Illinois, under contract, &c." And he withdrew.

On motion of Mr. Johnson,

The vote taken yesterday evening on the adoption of the resolution as amended, proposed by Mr. Williams, deprecating the appointment of members to office, &c., was reconsidered.

Mr. Naper moved to lay the resolution as amended on the table.

Mr. Henderson objected, that this motion was out of order.

Mr. Speaker decided that the motion was in order:

From this decision of the Speaker, Mr. Henderson took an appeal to the House; and, after debate thereon,

The question was put—"Shall the decision of the chair stand as the judgment of the House?"

And decided in the affirmative, by yeas and nays, as follow, upon the call of Messrs Kercheval and Smith of Wabash, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich Alexander, Allen of Franklin, Allen of Greene, Archer,

Baker, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Compher, Copeland, Craig, Crain, Cunningham, Daley, Dawson, Dubois, Dunn, Edmonston, Edwards, Elliott, Emmerson, English, Ficklin, Fisk, Flood, Foster, French, Gilham, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Hardin, Harris, Henry, Holmes, Houston, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kercheval, Lincoln, Logan, Lyons, McCutchen, McMillan, Maus, Menard, Moore, Morgan, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Pace, Philips, Rawalt, Read, Roberts, Robinson, Roman, Smith of Wabash, G. Smith of Madison, R. Smith of Madison, Stapp, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Fulton, Walker of Vermillion, Webb of White, Williams, Wood, and Zimmerman—82.

Those who voted in the negative, are,

Messrs. Elkin and Henderson—2.

The question was then taken upon laying the resolution on the table as amended, and decided in the negative, by yeas and nays, as follow, upon the call of Messrs Williams and McMillan, to wit:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Franklin, Archer, Baker, Bainbridge, Calhoun, Churchill, Crain, Dawson, Dubois, Dunn, Edmonston, Edwards, Elliott, Ficklin, Fisk, Green of Clay, Harris, Huey, Hull, Kercheval, Logan, Lyons, Maus, Moore, Morgan, Murphy of Cook, Murphy of Perry, Naper, Pace, Robinson, Roman, Smith of Wabash, George Smith, Robert Smith, Thornton, Walker of Vermilion, Webb of White, Wood, Zimmerman, and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Greene, Brown, Carpenter, Compher, Copeland, Craig, Daley, Elkin, Emmerson, English, Flood, Foster, French, Gilham, Gouge, Green of Greene, Hankins, Happy, Hardin, Henderson, Henry, Holmes, Houston, Jarrott, Johnson, Jones, Kent, Lincoln, McCutchen, McMillan, Menard, Murphy of Vermilion, Ctwell, Philips, Rawalt, Read, Roberts, Stapp, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, and Williams—43.

Mr. Webb of White moved that the resolution be referred to the committee on the Judiciary.

Mr. Edmonston moved that said committee be instructed to "report a bill declaring members of the General Assembly ineligible to office for and during the time for which they may have been elected;" which was agreed to.

The question was then put upon referring to the committee on the Judiciary, with the instructions asked, and decided in the negative.

And then the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Hardin moved that the orders of the day be postponed, for the purpose of receiving reports from committees; which was not agreed to.

On motion of Mr. Hardin,

Leave of absence was given to Mr. Ryan, the Assistant Clerk of this House, for a few days.

The bills, entitled "An act to vacate certain alleys in the town of Tremont;"

"An act to amend an act, entitled 'An act to incorporate the Canton College of Illinois;'"

"An act to authorize Benjamin McKay and others to lay off additional lots in the town of Stephenson, in Rock Island county;" and,

"An act for the relief of the inhabitants of township 2 south, range 8 east, in Wayne county;"

Were severally read the second time, and

*Ordered*, to be engrossed for a third reading.

The bill for "An act to amend an act permanently locating the seat of Government of the State of Illinois, and other purposes," was read the second time, and,

On motion of Mr. Williams,

Referred to a committee of the Whole House.

The bill for "An act to relocate a part of a State road therein named," was read the second time, and,

On motion of Mr. Allen of Greene,

Referred to the committee on State Roads.

The bill for "An act to incorporate the Grayville and Albion Railroad Company," was read the second time, and,

On motion of Mr. Webb of White,

Referred to the committee on Internal Improvements.

The bill for "An act for the relief of the late Warden of the Penitentiary," was read the second time.

Mr. Moore moved that the bill be referred to the committee on Claims; which was rejected.

Mr. Murphy of Vermilion moved to fill the blank in the bill with \$100.

Mr. Henderson moved \$300; which was rejected.

Mr. Thornton moved \$200.

Mr. Daley moved \$250; which was not agreed to.

The question was then taken on filling the blank with \$200; and decided in the affirmative.

The bill was then ordered to be engrossed for a third reading.

The bill for "An act to amend act, entitled 'An act to incorporate the city of Alton,'" was read the second time, when,

On motion of Mr. George Smith,

The bill was amended by adding the following, as an additional section, viz:

SEC. That it shall be the duty of the Governor, by and with the advice and consent of the Senate, to appoint one additional notary public in the city of Alton, whose duty and term of service shall be the same as are now regulated by law, any law to the contrary notwithstanding.

On motion of Mr. Edmonston,

The bill was referred to the committee on the Judiciary.

The bill for "An act to establish a State road in Johnson and Union counties," was read the second time, and,

On motion of Mr. Menard,

Referred to the committee on State Roads.

The bill for "An act regulating evidence in certain cases," was read the second time, and,

On motion of Mr. Ficklin,

Referred to the committee on the Judiciary.

The bill for "An act making the office of school commissioner elective by the people," was read the second time, and,

On motion of Mr. Edmonston,

Referred to the committee on Education.

The bill from the Senate, entitled "An act making an appropriation for the completion and furnishing of the State house at Springfield," was read the second time, and,

On motion of Mr. Williams,

Referred to a committee of the Whole House, and made the special order of the day for to-morrow.

Mr. Maus, from the committee on Engrossed Bills, reported, as correctly engrossed, bills of the following titles, viz:

"An act to establish the county of Marshall;"

"An act to amend an act, entitled 'An act, authorizing a lottery to raise funds for the purpose of draining the ponds of the American bottom;'"

"An act to amend an act, entitled 'An act to incorporate the Carmi Bridge Company;'"

"An act to vacate a part of an addition to the town of Danville;"

"An act to repeal a certain act therein named;"

"An act to prevent trespassing by cutting timber;"

"An act supplementary to an act to incorporate the Rushville Railroad Company;"

"An act to relocate a part of a certain State road therein named;"

"An act to repeal part of an act, entitled 'An act to incorporate the Kaskaskia Bridge Company;'"

"An act relative to the town of Naples." and

"An act authorizing the Governor to commission the sheriff of Peoria county."

On motion of Mr. Maus,

Leave of absence was given to Mr. Carpenter.

The resolution from the Senate, providing for the appointment of a joint committee of the two Houses, in relation to the reorganization of the judicial circuits, was read; when,

On motion of Mr. Ficklin,

The resolution was amended so as to appoint two members on said committee, from each judicial circuit, on the part of the House.

*Ordered*, That Messrs. Calhoun, English, Flood, Walker of Fulton, Craig, Henderson, Kercheval, Churchill, Walker of Vermilion, Webb of White, Wood, Logan, Fisk, and Menard, be the committee on the part of the House; that the Clerk inform the Senate thereof, and ask their concurrence in the amendment of the House to the said resolution.

The amendment of the Senate to the resolution from the House, in relation to the completion of the Cumberland road, was read, and,

On motion of Mr. Archer,



Referred to the same select committee to which were referred a preamble and resolutions on the same subject.

Mr. Edwards asked and obtained leave to introduce a bill for "An act to incorporate the Springfield High School Association;" which was read the first time, and

*Ordered* to a second reading.

Mr. Hankins proposed for adoption the following resolution:

*Resolved*, That the State house commissioners be required to report to this House, on or before Wednesday, the 26th inst., how and in what manner the contracts for the construction of the State house at Springfield have been let out, and to whom; were they given to the lowest bidder, or others; is the work conducted by contract, or daily labor under the supervision of the commissioners, or their agents; if by agents, what compensation is allowed them. Explain at large the item of "ten per cent. for contingencies"—what compensation is allowed the architect—what is the number of the agents or sub-superintendents having direction of the work—what has been the cost of the construction of said building, in compensation to commissioners, architect, agents, and superintendents—whether the full amount of the \$50,000 appropriation has been refunded to the State, in compliance with the law removing the seat of Government to Springfield; and, if not, what amount remains unrefunded, and the reasons (if any) for the same; and whether the State Bank at Springfield did not grant a large loan to the commissioners, or corporation of Springfield, for the construction of said building; and, if so, to which, and the amount of said loan.

On motion of Mr. Lincoln,

The resolution was committed to a committee of the Whole House; and,

On motion of Mr. Lincoln,

The House resolved itself into a committee of the Whole on said resolutions; and after some time spent therein, the Speaker resumed the chair, and Mr. Murphy of Perry reported that the committee of the Whole House had, according to order, had said resolutions under consideration, amended the same, and had directed him to ask the concurrence of the House therein: which was agreed to.

On motion of Mr. Hardin,

The resolution was further amended by striking out "Wednesday, the 26th," and inserting "the second Monday of January next."

The resolution, as amended, was then adopted.

On motion of Mr. Thornton,

Leave of absence was given to Mr. Archer.

On motion of Mr. Smith of Wabash,

The following preamble and resolutions were adopted, viz:

*Whereas* it is important that the election of public printer, Auditor, and Treasurer of the State, should be had without unnecessary delay: and whereas the people should be fully represented in the election of said officers, and to the end that fair notice may be given of the time of such election, that each member of the General Assembly may attend: Therefore,

*Resolved by the House of Representatives, the Senate concurring herein*, That both Houses will meet in the Hall of the House of Representatives, on the second Monday of January next, at the hour of two o'clock,

P. M., and proceed to the election of public printer, Auditor, Treasurer, and Attorney General, of this State.

*Ordered*, That the Clerk carry said resolution to the Senate, and ask their concurrence therein.

On motion of Mr. Murphy of Perry,  
Leave of absence was given to Mr. Pace.

And then the House adjourned.

SATURDAY, DECEMBER 22, 1838.

House met pursuant to adjournment.

On motion of Mr. Hardin,  
Leave of absence was given to Mr. Read.

On motion of Mr. Ficklin,  
To Mr. Cunningham.

On motion of Mr. Otwell,  
To Mr. Robert Smith.

On motion of Mr. Crain,  
To Mr. Murphy of Perry.

On motion of Mr. Roman,  
To Mr. Thomas of St. Clair.

On motion of Mr. Naper,  
To Mr. Kercheval. And,  
On motion of Mr. Menard,  
To Mr. Jones.

Mr. Smith of Wabash presented the petition of sundry citizens of Wabash county, praying the vacation of a part of a certain State road therein named; the reading of which was, on his motion, dispensed with, and referred to a select committee.

*Ordered*, That Messrs. Smith of Wabash, Dubois, and Webb of White, be that committee.

Mr. Otwell presented the petition of John T. Lusk, of Madison county, praying relief; the reading of which was, on his motion, dispensed with, and the same referred to a select committee of five.

*Ordered*, That Messrs. Otwell, Jarrott, Johnson, Morgan, and George Smith, be that committee.

Mr. McCutchen presented the remonstrance of sundry citizens of Schuyler county, against the repeal of the act laying out a State road from Mount Sterling to Beardstown; the reading of which was, on his motion, dispensed with, and referred to the committee on State Roads.

Mr. Hardin, from the committee on the Judiciary, reported a bill for "An act in relation to garnishees;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Hardin,

The rule of the House was dispensed with, and the bill read the second time by its title, and

*Ordered* to be engrossed for a third reading.

Mr. Murphy of Perry, from the select committee to which was referred a certain petition, reported a bill for "An act relocating a part of the State road leading from Pinckneyville to Kaskaskia;" which was read the first time, and

*Ordered to a second reading.*

Mr. Murphy of Perry, from the select committee to which was referred a certain petition, reported a bill for "An act for the relief of Electia Goforth;" which was read the first time, and

On the question—"Shall the bill be read a second time?"

It was decided in the negative.

Mr. Edmonston, from the committee on Elections, to which were referred two certain resolutions, reported a bill for "An act to amend the several laws in this State regulating elections;" which was read the first time, and

*Ordered to a second reading.*

Mr. Thornton, from the select committee to which was referred a certain resolution, made the following report:

*The select committee, who were instructed by resolution to inquire into the expediency of increasing the salaries of the Governor and Judicial officers of the State, have had that subject under consideration, and, after the most thorough and mature investigation, instructed me to report:*

That they are unanimously of opinion, that the proposed measure is not only highly expedient and just, but also absolutely necessary, and unequivocally called for by the spirit of our Constitution and the best interests of the State.

This opinion is fortified by a variety of reasons, of which a few only need now be enumerated: and, first, in regard to the head of the Executive Department of the State. The annual compensation paid him, (\$1,000,) will not more than enable an individual, moving even in the private walks of life, to support a family comfortably; and indeed there are in our State very few persons occupying any official station or place of trust, however unimportant it may be, except our Executive and Judiciary, who do not receive a larger remuneration for their services. How totally inadequate then is the salary of the Governor seen to be, when it is recollected that, in addition to the necessity of supporting his family, he owes so much, not only of his time and labor, but of pecuniary expenditure to the public; and that the value of his services and the responsibilities of his station are so infinitely greater than those of the incumbent of most other offices under our State Government! As the head of our political family, he owes it to himself, and to the sovereign people over whom he presides, not only to devote the greater portion of his time and attention to the guardianship of those interests upon which his administration must necessarily operate, but also to live in a style which, not incompatible with the republican simplicity of our institutions, still must require a large expenditure of money on his part. Residing at the seat of Government, as he should do, he should be prepared at all times, and especially during the sitting of the Legislature, to throw open his doors for the reception and entertainment of the

officers of Government and distinguished strangers. This is necessary to aid in the preservation of those relations of harmony and good feeling which should always characterize the intercourse of those entrusted with the management of the affairs of the various departments of our Government, and in making, on the minds of those who visit our State, a favorable impression of our statesmen, our institutions, &c.

The same remarks, in most respects, will apply to the question of increasing the compensation of our Judicial officers; and to them, others peculiar in their application, and equally cogent, may be added. It has always been a desideratum to render the Judiciary independent of all extraneous influences, arising either from a feeble tenure of office, or inadequacy of compensation, and compelling the incumbent of the bench to seek to gain favor with any political party, with a view of being transferred to a more profitable and dignified post. A sufficiency should be allowed to Judges to induce them to seek the office for its own sake, and not as a mere auxiliary to the obtention of other and political preferment—a salary adequate to the support of the incumbent, and such as will prevent him from plunging into speculations, or other active business by which his mind would be constantly abstracted from a devotion to the discharge of his judicial functions. If such be not the case, it cannot be expected, and it would be unreasonable to require them to renounce the means of fairly bettering their condition. Policy then, if no more cogent reason existed, would demand the allowance of a sufficient compensation to make the situation a desirable one. and not of mutation or change, and to secure the constant and undivided attention of its incumbent to the performance of his functions, unswayed by any foreign or improper influence.

In no other department of the Government is reposed so sacred, so important a trust as in the Judiciary. The Legislature may enact; the Executive may approve; but the Judiciary must expound, administer, and enforce the laws. The evils of unwise legislation may be at once detected and easily remedied; the course of Executive misrule, or usurpation, may be speedily checked; and as the deleterious consequences resulting from either must be palpable, so will they be temporary; but the injury done to the best interests of community by an improper or incorrect exposition of the laws by our courts, whether intentional or not, being less widely operative, and consequently less easily perceived, is longer unchecked, and may be irremediable. Unlike the action of the Legislative and Executive Departments, the operations of the courts are silent; and affecting, in most cases, only individual interests, do not, however palpably wrong, so loudly call for, nor so speedily obtain redress. Upon the decisions of the courts depend “the lives, the fortunes, and the sacred honor” of ourselves and our constituents. Then, should not the officers called upon to form and pronounce those decisions, be placed incontestibly beyond the reach of any foreign and malign influence by which their judgments might be swayed? Should they not be freed from the temptation of looking to the interests to be affected by their decisions, when called upon to expound the law, rather than to the law itself, while proud of the dignity of their station, and content with the remuneration made them, they should seek, by a faithful discharge of their duties, to secure for themselves high judicial standing

and the confidence of their fellow-citizens, and by this honorable means to strengthen the tenure of an office, holding which, they should consider no other desirable? It may be laid down as an axiom in politics, that on the faithful, impartial, honest, and correct administration of our laws, depends more than on any thing else, not only the welfare of the people, but the popularity of our institutions. Let but the channels of judicial action be polluted or corrupted, and the most awful consequences must ensue; not only will an unjust deprivation of individual life, property, and reputation follow; not only will the innocent suffer, and the guilty go unscathed, but the whole body politic must become diseased. Then, can any one doubt that there should cease to be any longer any disparity between the salaries of our judges and the importance and responsibility of their judicial functions, and that they thus be deterred from stepping from their exalted stations to others still more exalted?

But again, policy demands the appointment not only of honest and upright, but of competent judges. It is in vain that a man may *desire* to do right, if he be *ignorant* of what is *right*. It can afford no solace to the widow and orphans of him who has died upon the gallows, that a false but *honest* exposition of the law consigned the husband and the father to an ignominious death. The winds of Heaven will not beat less pitilessly upon the unsheltered head of the houseless midnight wanderer who, by the erroneous decision of an *honest* but *ignorant* judge, has been reduced from wealth and affluence to poverty and want, from the consideration that the perversion of the principles of law, in their exposition by the court, had been *unintentional*.

The State should place and retain the best talents and highest legal attainments, as well as the strictest integrity and uprightness, upon the bench. This, under the present state of things, cannot be done effectually. The salaries now allowed the Judges of the Supreme and Circuit Courts, after deducting therefrom the incidental expenses necessarily incurred by them in the discharge of their official duties, will not exceed \$700 per annum. Not only can every lawyer of fair standing realize four times that amount by his practice, but the perquisites of office of every merchant's clerk, of almost every clerk of the Circuit Court, and of very many justices of the peace, greatly exceed it. Then, can it be supposed that the great pecuniary sacrifice involved in an acceptance or retention of a seat upon the bench, will be made by those now enjoying, or who, by returning to the bar, might enjoy a lucrative practice; or that, if the station be accepted, it will be retained on such terms, devolving, as it does, upon the incumbent not only a sacrifice of personal interest, but so much of fatigue, labor, and responsibility?

However adequate may have been the salaries of our public functionaries on the organization of our State Government, they have long ceased to be so. To prove this assertion, recurrence to the past is only necessary.

The salaries of the Supreme Judges were fixed by the Constitution at \$1,000 per annum, during their temporary appointment; and by the same instrument it was declared that the Judges to be chosen on the reorganization of the Judiciary, as well of the inferior as the Supreme Court, should have adequate and competent salaries.

A law made on the 29th March, 1819, in conformity to the sixth sec-

tion of the third article of the Constitution, establishes the salary still paid the Governor (\$1,000.) What was the situation of our State at the period referred to, 1818-19, compared to its present situation? Its population was then but forty thousand; the number of counties was but fifteen; Madison was the extreme northern county on the Mississippi, and Crawford on the Wabash; the northern and eastern portions of the State, which now contain considerably more than one-half of the whole population of the State, held then scarcely fifty families, while much the greater portion was an entire wilderness, inhabited alone by savages. Just emerging into a State Government, her Treasury was then empty, her energies unripe, her resources undeveloped, and her docket almost blank. Now, she contains seventy counties, a population of at least five hundred thousand souls, and, after the next census, will be entitled to at least eight, or perhaps ten members of Congress; while there is in one county in the northern part of the State more judicial business than there was then in the whole State. The duties and labors of the Executive and Judiciary have consequently greatly increased.

Again, if a comparison were made between the intrinsic value of a dollar at that time and the present, it would be found that it would purchase then four times as much as at the present day, owing to the rise and enhanced price of every article of necessity and support; yet the salaries have been during all this time almost stationary, and have not advanced with the advanced price of provisions and labor, and the necessary articles of support. While the State has been gradually but constantly progressing from the feebleness of infancy to the full vigor of maturity, receiving into her bosom the full tide of emigration that has been constantly rolling into it, broad and deep, from all directions; while, with the increase of her physical, numerical, and political strength, and the development of her almost boundless resources, she has been constantly fostering the agricultural, commercial, and manufacturing interests of her citizens; devising and putting into motion her proud, stupendous scheme of internal improvements, and paying amply for every thing furnished her, and for every thing done for her in every department of physical labor—the salary of her Governor has remained *entirely*, of her Judges *nearly*, stationary.

This is not as it should be; and your committee believing that the increase of compensation of these officers of the State should, in justice to them and to the State, have kept pace with the change in the affairs of the State, and the character of the times, confidently express the opinion that the time has now come when the evils complained of may, and should, be remedied by an act of wise legislation.

But little examination into the legislation of the other States of the Union is necessary to convince us that the Executive and Judiciary of almost every one of those States are placed, by the compensation made them, on loftier ground than that occupied by our Governor and Judges. In Virginia, Pennsylvania, Maryland, Ohio, and even Massachusetts, Michigan, New Hampshire, and Maine, their compensation is much higher than in ours; but the means of ascertaining the precise sum is not at hand. By the following table, compiled from the laws at the respective years named, a comparison may be instituted between the legislation of our State and that of those named, in this respect,

which redounds, in the estimation of your committee, but little to the credit of our State.

Dates.	States.	Governor.	Chancellor.	Judges Supreme Ct.	Judges Circuit Court.
1834	New York - -	\$3,500	\$3,000	\$3,000	\$2,000
	Louisiana - -	5,000			
	North Carolina - -	3,000	-	2,500	1,950
1819	Alabama - -	2,500	-	1,750	
1822	Mississippi - -	2,500	2,000		
1819	Georgia - -	3,000	-	2,100	
1831	Tennessee - -	2,000	-	1,800	1,300
1838	Missouri - -	1,500	-	1,200	*1,100
	Kentucky - -	-	-	2,000	
	Indiana - -	-	-	1,500	1,200

Your committee regret that it is not in the power of the present General Assembly completely to remedy the evil complained of. By the sixth section of the third article of the Constitution, it is declared that the compensation therein allowed to the Governor shall not be increased or diminished during the continuance in office of the incumbent. This constitutional inhibition must prevent an increase of the salary of our present Governor; but your committee, entertaining the opinion that the salaries of the Governor and of the Judges should be raised as early as by the Constitution they may be, in pursuance of these views, report a bill, entitled "An act to increase the salaries of certain officers therein named."

The report was read, laid on the table, and ordered to be printed.

The bill accompanying said report was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Thornton,

The rule of the House was dispensed with, and the bill read the second time by its title; and,

On motion of Mr. Moore,

Referred to a committee of the Whole House.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have concurred with them in their amendment to the Senate's resolution, having for its object the appointment of a joint select committee to reorganize the judicial circuits in this State, &c.

They have also concurred with the House in the adoption of the preamble and resolution providing for the election of public printer, Auditor, Treasurer, and Attorney General, &c., and fixing the second Monday of January next, at 2 o'clock, P. M., as the day for said election. And he withdrew.

Mr. Hardin, from the committee on the Judiciary, to which was refer-

\* Proposed by the Governor to be now raised.

red a bill for "An act supplemental to the act, entitled 'An act to define the extent of possession in cases of settlement on the public lands,' approved February 27, 1837," reported the same with amendments; which were read, and not agreed to.

Mr. Calhoun moved to amend the bill by striking out the words "on or near the same," after the word "reside," and insert the following: "on the tract of land; or, if his claim be on two or more tracts, he shall live on one of them."

Mr. Murphy of Cook moved to amend the amendment, by adding the following: "that the claimant shall either reside on said land, or be making improvements thereon, according to the local customs of the neighborhood."

Mr. Henry moved to lay the bill and proposed amendments on the table; which was decided in the negative: when,

On motion of Mr. Naper,

The bill and proposed amendments were referred to a select committee.

*Ordered*, That Messrs. Naper, Churchill, and Hardin, be that committee.

Richard Kerr, a member from the county of Pike, appeared, was qualified and took his seat.

Mr. Rawalt, from the committee on Finance, to which was referred a bill for "An act making an appropriation for the Penitentiary," reported the same back without amendment.

The bill was then ordered to be engrossed for a third reading.

Mr. McCutchen, from the committee on the Judiciary, to which was referred a bill for "An act to amend an act, entitled 'An act to amend an act for the limitation of actions, and for avoiding vexatious law suits,'" reported a substitute for the original bill; which was read and concurred in.

*Ordered*, That the bill be engrossed for a third reading.

Mr. McCutchen, from the committee on the Judiciary, to which was referred a bill for "An act to incorporate the Illinois Mutual Fire Insurance Company," reported the same without amendment.

*Ordered*, That the bill be engrossed for a third reading.

Mr. McCutchen, from the committee on the Judiciary, to which was referred the petition of sundry citizens of McHenry county, praying to be authorized to drain a certain slough into Pine creek, for the purpose of erecting a mill, &c., reported adversely to the prayer of the petitioners, and asked to be discharged from the further consideration of the subject; which was granted.

On motion of Mr. Murphy of Perry,

The following preamble and resolutions were adopted, viz:

*Whereas* it is ascertained to the satisfaction of this General Assembly, that, at certain seasons of the year, a great number of the largest boats that navigate the Ohio and Mississippi rivers, are compelled to remain at the mouth of the Ohio, for the ice in the Mississippi, and the low water in the Ohio: and whereas it is also true that the country in the southern part of the State is fast populating and improving, and is as deserving the favorable consideration of the General Government, in relation to mail



facilities, as many other sections of the State where stages are running : Therefore,

*Resolved by the people of the State of Illinois, represented in the General Assembly,* That the said General Assembly do respectfully petition the Government of the United States to establish a mail route in said State of Illinois, commencing at Carlyle, passing Nashville, Pinckneyville, Brownsville, Jonesboro', and Unity, to the mouth of the Ohio, and to have on the said route stages to run as frequent as the public good may require, and conveyed by two or four horses, as may be necessary. The above named improvement of mail facilities is no more than other sections of the State enjoy.

*Resolved,* That the Governor of the State transmit copies of this preamble and resolutions to each of our members in Congress, and for them to use their best exertions to have the same carried into effect.

*Ordered,* That the Clerk communicate the foregoing preamble and resolutions to the Senate, and ask their concurrence therein.

Mr. Harris, from the committee on the Militia, to which was referred a bill for "An act to grant a compensation to the Brigade Inspector of the first brigade and third division of Illinois militia," reported the same without amendment.

*Ordered,* That the bill be engrossed for a third reading.

Mr. Hardin, from the committee on the Judiciary, reported a bill for "An act to prevent the circulation of bank notes of a less denomination than five dollars;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Green of Clay,

The following resolution was adopted:

*Resolved,* That the committee on Internal Improvements be instructed to inquire into the propriety and expediency of a further survey on the Little Wabash river to Ewington, in Effingham county, and the expediency of a further appropriation to complete said operations on said river already commenced; and that they report by bill or otherwise.

Mr. Dubois, from the select committee to which was referred the resolution of the Senate relative to a survey of the inundated lands, lakes, and ponds, in the American bottom, &c., reported the same without amendment:

Whereupon, the House concurred in the said resolution, and it was

*Ordered,* That the Clerk inform the Senate of the concurrence of the House therein.

On motion of Mr. Smith of Wabash,

The following resolution was adopted:

*Resolved,* That the committee on Internal Improvements be instructed to inquire into the expediency of authorizing the Board of Public Works to purchase, out of the funds now appropriated for the improvement of the great western mail route, the toll-bridges over the Embarrass, Big Muddy, and Little Wabash rivers, on the line of said road.

On motion of Mr. Craig,

The following resolution was adopted:

*Resolved,* That in accordance with the suggestion of the committee on the Penitentiary, a select committee of five be appointed to repair to the seat of the Penitentiary at Alton, to ascertain, by inspection, whether

the recent escape of prisoners from the Penitentiary was the result of defects in the construction of the cells or walls of the same, or of negligence on the part of the keeper; and also to ascertain the present condition of the Penitentiary and of its inmates, together with such facts in relation thereto as will enable the Legislature to make such further enactments for its future government as may be necessary; and to effect this object the committee are empowered to send for persons and papers, and to examine witnesses under oath.

*Ordered*, That Messrs. Craig, Ficklin, George Smith, Murphy of Cook, and Kercheval, be the committee in pursuance of the foregoing resolution.

Mr. Walker of Fulton, from the select committee to which was referred a certain petition, reported a bill for "An act to change the name of the town of Vienna;" which was read the first time, and

*Ordered* to a second reading.

Mr. Hardin proposed for adoption the following resolution, viz:

*Resolved by the General Assembly of the State of Illinois*, That this General Assembly (two-thirds thereof concurring herein,) do recommend to the electors at the next election of members to the General Assembly to vote for or against a Convention.

On motion of Mr. Hardin,

The resolution was laid on the table.

On motion of Mr. Ficklin,

*Resolved by the House of Representatives*, That the committee on the Judiciary be instructed to inquire into the expediency of authorizing justices of the peace to issue execution immediately upon the rendition of any judgment by them, and that executions run ninety instead of seventy days from their date: and also that they inquire into the expediency of making the property of the defendant bound from the date of the summons or *capias* first issued in the case, in all cases originating in the circuit courts of this State.

On motion of Mr. Henry,

*Resolved*, That the committee on Agriculture be instructed to report a bill making the lien of mechanics on work done by them more effectual.

On motion of Mr. Alexander,

*Resolved*, That the committee on Internal Improvements be instructed to inquire into the propriety of fixing by law the salaries of clerks, secretaries, engineers, and all other officers required to be appointed under the act creating a general system of internal improvements in this State, not now fixed by law.

Mr. Logan asked and obtained leave to introduce a bill for "An act concerning State roads;" which was read the first time, and

*Ordered* to a second reading.

Mr. Aldrich asked and obtained leave to introduce a bill for "An act to incorporate the Warsaw Railroad Company;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Green of Clay,  
Leave of absence was given to Mr. Foster.

On motion of Mr. Crain,

To Mr. Huey. And,

On motion of Mr. Smith of Wabash,

To Mr. Green of Clay.

Mr. Stapp asked and obtained leave to introduce a bill for "An act to repeal 'An act explanatory of the act to amend the several acts in relation to common schools,' approved July 21, 1837;" which was read the first and second times, and

On motion of Mr. Webb of White,

Referred to the committee on Education.

And then the House adjourned until 2 o'clock, P. M.

#### TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Edwards,

The committee of the Whole was discharged from the consideration of the bills, for "An act making an appropriation for the completion and furnishing of the State house at Springfield;" and

"An act to amend an act permanently locating the seat of Government for the State of Illinois, and other purposes."

On motion of Mr. Edwards,

The foregoing bills were referred to the committee on Public Accounts and Expenditures.

On motion of Mr. Roman,

Leave of absence was given to Mr. Jarrott.

On motion of Mr. Hardin,

To Messrs. Baker and Calhoun.

On motion of Mr. Jarrott,

To Messrs. Happy and Hardin.

And then the House adjourned.

#### MONDAY, DECEMBER 24, 1838.

House met pursuant to adjournment.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have passed bills of the following titles, viz:

"An act to incorporate the Mechanic Association and Galena Beneficial Society;"

"An act to amend an act, entitled 'An act to prevent trespasses by cutting timber,' approved 27th February, 1819;"

"An act legalizing the assessment of the property taken in the county of Peoria for 1838;"

"An act to authorize the county commissioners' courts to recover certain moneys by them heretofore loaned;"

"An act legalizing process issued by judges and justices of probate;"

"An act to amend the several laws in relation to appeal bonds and the trial of appeals;"

"An act to vacate the survey and plat of Garret's addition to the town of Peoria, and also to vacate the plat of the town of Hudson;"

"An act to provide for settling the accounts between the State and the Illinois and Michigan canal;"

"An act relating to liens upon real estate created by judgment of courts;"

"An act to amend an act, entitled 'An act prescribing the mode of proceeding in chancery;'" and

"An act to authorize Edmund White to establish a ferry across the Mississippi river."

In the passage of which several bills they ask the concurrence of the House of Representatives. And he withdrew.

Mr Williams presented the petition of sundry inhabitants of Adams and Hancock counties, praying for a State road from Clayton to Warsaw.

On motion of Mr. Williams,

The reading of the petition was dispensed with, and referred to a select committee.

*Ordered*, That Messrs. Williams, Aldrich, and McCutchen, be that committee.

Mr. Moore presented a petition from Livingston county, for relocation of the county seat.

On motion of Mr. Moore,

The reading of the petition was dispensed with, and it was referred to the committee on Counties.

Mr. Henderson presented the petition of Brown Searl and Luther Driskell, commissioners of a State road, and hands employed by them, for compensation; the reading of which was, on his motion, dispensed with, and it was referred to the committee on Claims.

Mr. Hull presented the petition of Reuben and Sullivan L. Haines, for an act to authorize the raising of a mill dam across the Mackinaw river; the reading of which was, on his motion, dispensed with, and referred to a select committee.

*Ordered*, That Messrs. Maus, Hull, and Moore, be that committee.

Mr. Henderson presented the petition of sundry citizens of Putnam county, relative to the retailing of liquors; which was read, and, on his motion, referred to the committee on the Judiciary.

Mr. Harris, from the committee on the Militia, to which was referred a bill for "An act to incorporate the Invincible Dragoons of the second division of Illinois militia," reported the same with sundry amendments, which were read and concurred in.

*Ordered*, That the bill be engrossed for a third reading.

On motion of Mr. Crain,

Leave of absence was granted to Mr. Logan.

On motion of Mr. Stapp,

The following resolution was adopted:

*Resolved by the House of Representatives*, That the committee on Internal Improvements be instructed to inquire into the necessity and

utility of constructing a turnpike road from Oquawka, on the Mississippi river, via Monmouth, Knoxville, &c., to a point on the Illinois river, at or near where the Illinois and Michigan canal terminates; and if, in their opinion, the public good requires it, they be instructed to report a bill making appropriation for the construction of the same.

On motion of Mr. Ficklin,

*Resolved*, That the committee on Elections be instructed to inquire into the expediency of making county Treasurers elective every two years; and that they shall not be permitted to enter upon the duties of their office, unless they furnish a quietus from the county commissioners' court for the payment of all moneys collected by them.

Mr. Churchill asked and obtained leave to introduce a bill for "An act supplemental to an act, entitled 'An act to regulate the action of replevin,' approved January 29, 1827;" which was read the first time, and

*Ordered* to a second reading.

Mr. McCutchen asked and obtained leave to introduce a bill for "An act to incorporate the Schuyler County Mutual Fire Insurance Company;" which was read the first time, and

*Ordered* to a second reading.

Mr. Craig asked and obtained leave to introduce a bill for "An act declaring certain offices incompatible;" which was read twice, and referred to the committee on the Judiciary.

Mr. Daley asked and obtained leave to introduce a bill for "An act to increase the number of justices' districts in the county of Greene;" which was read the first time, and

*Ordered* to a second reading.

Mr. Copeland asked and obtained leave to introduce bills for "An act in relation to the records of Johnson county;" and

"An act to legalize the acts of John Simpson, justice of the peace;"

Which were severally read the first time, and

*Ordered* to a second reading.

Mr. Harris asked and obtained leave to introduce a bill for "An act to amend an act, entitled 'An act prescribing the mode of summoning grand and petit jurors, and defining their qualifications and duties;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Williams,

The resolution offered by Mr. Ficklin some days since, and which was laid on the table, instructing our Senators in Congress, &c., to procure the passage of a law establishing a permanent system of pre-emption rights, &c., was taken up, and,

On motion of Mr. Williams,

The first resolution was amended by adding at the end thereof, the following, viz:

"Also, that they use their exertions to procure the passage of a law providing that the public lands hereafter be sold in limited quantities to actual settlers only, and that a reasonable time be allowed such settlers to pay for the same."

The resolutions as amended were then adopted.

Mr. Walker of Vermilion moved that the House now resolve itself into a committee of the Whole House, on the bill for "An act to increase

the salaries of certain officers therein named;" which motion was not agreed to.

And then the House adjourned until Wednesday morning, 10 o'clock.

### WEDNESDAY, DECEMBER 26, 1838.

House met pursuant to adjournment.

The Speaker laid before the House the report of the State House Commissioners, which was read, and is as follows:

To the Hon. the **SPEAKER** of the  
*House of Representatives.*

**SIR:** In compliance with a resolution, which passed your honorable body on the 21 inst., calling for information in reference to the State house now in progress in Springfield, we have the honor to present the following report:

In answer to the question of "how and in what manner the contracts for the construction of the State house in Springfield have been let out, and to whom," we would state that they were given to the following named gentlemen: L. L. Hill, Reuben Radford, West & Quimley, Daniel Cartwright, and John Hay, they being the lowest responsible bidders. L. L. Hill took the contract for delivering 1,200 perch of stone; which contract was subsequently declared forfeited by the Board, and the quarry carried on by hands, employed by the day, under the immediate superintendence of the Board.

The contract for removing the court house was given to Reuben Radford, notwithstanding there was one bid of 699 dollars, being one dollar less than the bid of Reuben Radford; but on his refusing to enter into bond for the performance of the contract, the next lowest bid was taken.

The contract for brick was given to John Hay.

The contract for lime was given to West and Quimley.

The contract for sand was taken by D. Cartwright.

We are not aware of having refused to give any one of the contracts to the lowest bidder that would enter into bonds for the performance of the contract. The bids were all made in writing, and are now in our possession, subject to examination by any member of your honorable body.

In reference to the inquiry, "Is the work conducted by contract or daily labor, under the supervision of the commissioners or their agents," we would refer to the following paragraph of our report, now in possession of a standing committee of your honorable body; which is in language as follows:

"In relation to the mode of erection adopted by the Board, it is necessary to observe that the small amount of such work previously done in the State, the few persons among us acquainted with the quality and value of the work required, and the entire uncertainty as to where, and at what expense, the chief necessary material could be procured, were considerations which indicated to the Board the propriety and advantage of constructing the work under the immediate superintendence of the Board,

rather than by entering into contracts for the performance of a work about which so little was known by experience."

The ten per cent. for contingencies is designed to cover all expenses that may hereafter occur, in the prosecution of the work, that cannot (in the nature of things) be foreseen. For example, by way of illustration, there is, between the stone quarry and the State house, a bridge over Sugar creek, that cost 350 dollars. This bridge may be swept away by a sudden rise of water, or be destroyed in some other way; and, if so, 350 dollars would be required to rebuild it. It is for this and like purposes that engineers and architects, in estimating the cost of a work, add (usually) ten per cent.

The next inquiry, "what compensation is allowed to the Architect," we answer by remarking that, on commencing the work, we entered into a written contract with Mr. Rague (now in possession) to take charge of the work as Architect, conditioned that he give his individual attention to the work, from day to day, on a salary of one thousand dollars a year; which is (in the opinion of the Board) at least fifty per cent. less than similar services could now be procured for.

To the next branch of the inquiry, as to the number of agents or sub-superintendents, we would respectfully answer that the Board have no agents or sub-superintendents in their employ, unless one clerk, to whom is allowed five hundred dollars a year, is entitled to the appellation of agent or sub-superintendent. There is an extra allowance, of fifty cents per day, made to our head workmen at the yard and at the stone quarry, as an equivalent for their extra services.

To the last branch of the inquiry, as to "what has been the cost of the construction of said building, in compensation to commissioners, architects, agents, and superintendents," we answer, that the

Commissioners have received	-	-	-	-	\$3,645
Architect	-	-	-	-	1,500
Clerk	-	-	-	-	750

Making, in the aggregate, the sum of	-	-	-	\$5,895
up to the first of December, 1838.				

The remaining portion of the resolution, requiring your commissioners "to exhibit their books and vouchers to any member of your honorable body who may desire to inspect them, and at the same time to furnish all other information in their power that may be required of them by any member," will be complied with, at all times and under all circumstances, with great pleasure; and since charges of improper conduct have been made out of doors, calculated (if believed) to affect our characters, not only as public functionaries, but as individuals, it is confidently believed that your honorable body will, individually, avail themselves of the requisition made upon us, as an act of justice to us (both in our individual and official capacity) and to the public interest. All of which is respectfully submitted.

A. G. HENRY,  
ARCH'D JOB.

The foregoing report was,  
On motion of Mr. Ficklin,  
Laid on the table.

The Speaker laid before the House the report of the Fund Commissioners, which was read.

Mr. Thornton moved that the report and accompanying documents be laid on the table, and 5,000 copies ordered to be printed.

Mr. Murphy of Vermilion called for a division of the question.

The question was taken upon laying on the table, and decided in the affirmative.

The question was then taken upon printing 5,000 copies, and also decided in the affirmative.

On motion of Mr. Murphy of Vermilion,

The following preamble and resolution were adopted:

*Whereas* there is a bill now pending before this House for the relief of the late Warden of the Penitentiary: and whereas it is rumored that the said late Warden has instituted a suit against the State for his full salary for two years; Therefore,

*Resolved*, That the committee on the Penitentiary be instructed to inquire into the fact of the pendency of such suit, and report the same to this House, at as early a day as practicable.

On motion of Mr. Alexander,

*Resolved by the House of Representatives, the Senate concurring herein*, That our Senators in Congress be and they are hereby instructed, and our Representatives requested, to urge upon Congress the propriety of passing a law graduating the price of the public lands, and limiting the sales thereof to actual settlers; and of relinquishing to the States all lands that remain unsold after having been offered for sale a certain length of time.

*Resolved*, That the Governor be requested to transmit a copy of the above resolutions to each of our Senators and Representatives in Congress.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence therein.

On motion of Mr. Johnson,

The following preamble and resolution were adopted:

*Whereas*, to bring into actual occupancy and cultivation all the arable lands within the limits of the State of Illinois, is a desideratum of the highest importance to the said State: and whereas it is believed legislative encouragement might do much towards bringing that portion of them into cultivation which is situated in the interior of large prairies, and consequently remote from timber: and whereas, although that encouragement might be a primary motive of action with the Legislature of our own State, it cannot be reasonably expected of the General Government: and whereas, because the proceeds of the sales of the public lands are paid into the national Treasury very slowly, and because those lands are the subject of perpetual expense and vexatious legislation, it is believed that the General Government would be willing to dispose of them for ready money, or by instalments, at a rate for below the present minimum price: Therefore,

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of proposing to purchase, of the General Government, all the unsold lands lying within the limits of the State of Illinois; and that they report by bill, resolution, or otherwise.



The bills from the Senate, entitled:

"An act to amend an act, entitled 'An act prescribing the mode of proceeding in chancery;'"

"An act to incorporate the Mechanic Association and Galena Beneficial Society;"

"An act legalizing the assessment of the property taken in the county of Peoria for 1838;"

"An act to vacate the survey and plat of Garret's addition to the town of Peoria, and also to vacate the plat of the town of Hudson;"

"An act to amend an act, entitled 'An act to prevent trespasses by cutting timber,' approved 27th February, 1819;"

"An act to provide for settling the accounts between the State and the Illinois and Michigan canal;" and

"An act to authorize Edmund White to establish a ferry across the Mississippi river;"

Were severally read the first time, and

*Ordered* to a second reading.

The bills from the Senate, entitled:

"An act to amend the several laws in relation to appeal bonds and the trial of appeals;"

"An act to authorize the county commissioners' courts to recover certain moneys by them heretofore loaned;"

"An act legalizing process issued by judges and justices of probate ;" and,

"An act relating to lien upon real estate created by judgment of courts;"

Were severally read twice, and

Referred to the committee on the Judiciary.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have passed a bill of the following title: "An act in relation to the town of Bloomington."

In the passage of which they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in the passage of a bill of the following title: "An act to vacate the town plat of the town of Peru, in McLean county."

They have also concurred with the House of Representatives in the adoption of a preamble and resolutions, in relation to the establishment of a mail route from Carlyle to the mouth of the Ohio river.

They have also concurred with the House in the adoption of resolutions instructing our Senators, and requesting our Representatives in Congress, to use their exertions to procure the passage of a law by that body, to establish a permanent system of pre-emption rights, &c." And he withdrew.

A bill from the Senate, entitled "An act in relation to the town of Bloomington," was read the first time, and

*Ordered* to a second reading.

And then the House adjourned.

## THURSDAY, DECEMBER 27, 1838.

House met pursuant to adjournment.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have passed a bill of the following title: "An act to amend the act, entitled 'An act for the relief of Nathaniel Pope and others,' approved July 21, 1837."

In the passage of which they ask the concurrence of the House of Representatives. And he withdrew.

Mr. Johnson presented the petition of certain inhabitants of the State of Illinois, relative to rewards for the apprehension of horse thieves; which was read, and, on his motion, referred to a select committee of five.

*Ordered,* That Messrs. Johnson, Fisk, Robert Smith, Harris, and Hanks, be that committee.

Mr. McCutchen presented a remonstrance against the repeal of the act locating a State road from Beardstown to Mount Sterling; on his motion the reading of the petition was dispensed with, and it was referred to the committee on State Roads.

Mr. Naper, from the committee on Canals and Canal Lands, reported a bill for "An act to repeal part of an act, entitled 'An act to provide for the sale of certain canal lands, and for other purposes;'" which was read twice, and

*Ordered* to be engrossed for a third reading.

And then the House adjourned.

## FRIDAY, DECEMBER 28, 1838.

House met pursuant to adjournment.

A message from the Governor, by A. P. Field, Esq. Secretary of State, was received, read, and is as follows:

EXECUTIVE DEPARTMENT,

*Vandalia, Dec. 27, 1838.*

SIR: In compliance with a resolution of the House of Representatives of the 19th inst., calling on this department for information in relation to the number of arms due from the General Government to this State; and also whether they have been received; and if so, where deposited, I have the honor herewith to transmit to you the following statement, which contains all the information in the possession of this department, to wit: There will be due the State of Illinois, at the close of the year 1839, 310 pistols, 155 sabres, 155 sabre belts and plates, 597 muskets.

The pistols, sabres, and belts, were deposited by the keeper of arsenal stores at Alleghany, near Pittsburgh, with a commission merchant, with directions to ship them to Alton, where the State arms are deposited, and

where my predecessor requested them to be sent. Owing to the low stage of water, and the closing almost of the navigation of both rivers, we have yet received no information of their arrival.

I also enclose herewith a tabular statement showing the number of arms now on hand and deposited in the Penitentiary at Alton; the number that has been issued by my predecessors, as far as it can be ascertained from the files of this department; the condition of those on hand, and the persons to whom arms have been delivered.

But owing to the imperfect organization of the militia of this State, the loose and imperfect manner in which the ordnance stores of this State have heretofore been managed, places it out of the power of this Department, at this time, to furnish a more detailed statement of the situation of this branch of our military, than is herewith transmitted.

I have the honor to be, sir,

Your obedient servant,

THOMAS CARLIN.

To the Hon. the *SPEAKER of the*  
*House of Representatives.*

On motion of Mr. Rawalt,

The foregoing message, with the accompanying documents, was referred to the committee on the Militia.

A message from the Governor, by A. P. Field, Secretary of State, was received, and read, as follows:

EXECUTIVE DEPARTMENT,

*Vandalia, Dec. 27, 1838.*

SIR: In compliance with the 10th section of the act establishing a general system of internal improvements, I have the honor, herewith, to transmit to you the semi-annual reports of the Board of Commissioners of Public Works, together with exhibits and accompanying documents, which embrace all the information in possession of this Department, in relation to the conduct and management of the public works under the direction of the said Board.

The great importance of these documents renders it highly necessary that the originals should be carefully preserved on the files of this Department; and their voluminous character would have prevented me, in any reasonable time, to have them copied.

I would therefore respectfully recommend to the House of Representatives the propriety of appointing a committee to superintend their printing, with a view to preserve, as far as practicable, the originals without being defaced or injured, and cause them to be returned to this Department.

I have the honor to be, sir,

Your obedient servant,

THOMAS CARLIN.

To the Hon. the *SPEAKER of the*  
*House of Representatives.*

On motion of Mr. Cloud,

The reading of the report transmitted with the foregoing message, and the accompanying exhibits and documents, was dispensed with; and they were ordered to lie on the table.

On motion of Mr. Williams,

*Ordered*, That the Clerk be excused from spreading the report of the Board of Public Works upon the journal; that 5,000 copies of said report and exhibits be printed; and that the printer place 2,000 copies thereof in the office of the Secretary of State, to be bound and distributed with the journals of this session.

Mr. Rawalt presented a petition of sundry citizens of Fulton county, praying that the Peoria and Warsaw railroad may be located through Farmington, in Fulton county; the reading of which was dispensed with, on his motion, and the petition was referred to the committee on Internal Improvements.

The bill from the Senate, entitled a bill for "An act to amend the act, entitled 'An act for the relief of Nathaniel Pope and others,' approved July 21, 1837," was twice read, and

*Ordered* to a third reading.

Mr. Naper moved to dispense with the orders of the day, so as to take up a bill for "An act to repeal part of an act, entitled 'An act to provide for the sale of certain canal lands, and for other purposes;'" which was agreed to.

The bill was then taken up, read the third time and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the passage of the bill by this House, and ask their concurrence therein.

Mr. Flood, from the committee on Engrossed Bills, reported, as correctly engrossed, bills of the following titles:

"An act to amend an act, entitled 'An act to incorporate the Canton College of Illinois;'"

"An act to incorporate the town of Danville;'"

"An act to grant a compensation to the Brigade Inspector of the first brigade and third division of Illinois militia;'"

"An act making an appropriation for the Penitentiary;'"

"An act in relation to garnishees;'"

"An act to incorporate the Warsaw University of Illinois;'"

"An act to vacate certain alleys in the town of Tremont;'"

"An act to authorize Benjamin McKay and others to lay off additional lots in the town of Stephenson, in Rock Island county;'"

"An act for the relief of the late Warden of the Penitentiary;'"

"An act to amend an act, entitled 'An act for the limitation of actions, and for avoiding vexatious law suits;'"

"An act for the relief of the securities of Thomas Moore;'"

"An act to incorporate the Menard Academy of Kaskaskia;'"

"An act for the relief of the inhabitants of township 2 south, range 8 east, in Wayne county;" and

"An act to incorporate the town of Warsaw."

And then the House adjourned.

SATURDAY, DECEMBER 29, 1838.

House met pursuant to adjournment.

There being no quorum present, the House adjourned.

MONDAY, DECEMBER 31, 1838.

House met pursuant to adjournment.

Mr. Aldrich presented a petition from the citizens of Hancock county, praying for the relocation of a part of a State road therein named; the reading of which was, on his motion, dispensed with, and the same referred to a select committee.

*Ordered*, That Messrs. Aldrich, Edmonston, and Flood, be that committee.

Mr. Naper presented the following petitions, to wit:

A petition of sundry citizens of Cook and McHenry counties, praying for a new county; and

A petition of sundry citizens of Cook county, praying for the division of said county; the reading of which was, on his motion, dispensed with, and the petitions were referred to a select committee.

*Ordered*, That Messrs. Naper, Murphy of Cook, and Walker of Vermilion, be that committee.

Mr. Cloud presented the petition of sundry citizens of Morgan county, for a change in a certain State road therein named; the reading of which was, on his motion, dispensed with, and the same referred to a select committee.

*Ordered*, That Messrs. Cloud, Calhoun, and Harris, be that committee.

Mr. Compher presented the petition of Henry J. Heaton, praying the vacation of his additional town plat to the town of Knoxville, in Knox county; the reading of which was, on his motion, dispensed with, and the same referred to a select committee.

*Ordered*, That Messrs Compher, Stapp, and Walker of Fulton, be that committee.

Mr. Kerr presented the petition of sundry citizens of Pike county, praying an alteration in the State road leading from Atlas to Quincy; the reading of which was, on his motion dispensed with, and the same referred to a select committee.

*Ordered*, That Messrs. Kerr, Allen of Greene, and Hull, be that committee.

Mr. Stapp presented the petition of sundry citizens of Knox county, asking relief, &c.; the reading of which was, on his motion, dispensed with, and the same referred to a select committee.

*Ordered*, That Messrs. Stapp, Brown, and Williams, be that committee.

Mr. Webb of White presented the petition of sundry citizen of White county, relative to the road laws; the reading of which was, on his motion, dispensed with, and the same referred to the committee on State roads.

Mr. Smith of Wabash presented the petition of sundry citizens of Wabash county, praying for the passage of a law to declare a certain road, in Wabash and Lawrence counties, a State road; the reading of which was, on his motion, dispensed with, and the same referred to a select committee.

*Ordered*, That Messrs. Smith of Wabash, Emmerson, and Dubois, be that committee.

Mr. Stapp presented the petition of sundry citizens of Knox county, praying the establishment of a State road therein named; the reading of which was, on his motion, dispensed with, and the same referred to the committee on State Roads.

Mr. Williams presented the petition of William Kent for a divorce; the reading of which was, on his motion, dispensed with, and the same referred to the committee on the Judiciary.

Mr. Kent presented a petition for a new county, out of part of Jo Daviess county. On his motion, the reading thereof was dispensed with, and it was referred to the committee on Counties.

Mr. Moore, from the committee on Counties, to which was referred a petition from Livingston county, for a relocation of the county seat, reported a bill for "An act to relocate the seat of justice of Livingston county;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Fisk, from the committee on the Judiciary, to which was referred a bill from the Senate for "An act legalizing process issued by judges and justices of probate," reported the same without amendment: whereupon, it was

*Ordered* to a third reading.

Mr. Webb of White, from the committee on the Judiciary, to which was referred a bill for "An act to incorporate the Illinois Insurance Company," reported the same with amendments: whereupon,

On motion of Mr. Naper,

The said bill and amendments were ordered to lie on the table.

Mr. Webb of White, from the committee on the Judiciary, to which was referred a bill for "An act to amend an act, entitled 'An act to incorporate the city of Alton,'" reported the same with amendments; and,

On motion of Mr. Fisk,

The same were ordered to lie on the table.

Mr. Dubois, from the committee on Public Accounts and Expenditures, reported a bill for "An act to change an appropriation made to the county of Lawrence;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Fisk, from the committee on the Judiciary, to which was referred a bill for "An act declaring certain offices incompatible," reported the same, without amendment, and recommended its rejection.

On motion of Mr. Henderson,

The bill was laid on the table.

Mr. Hardin, from the select committee to which was referred a bill for "An act supplemental to the act, entitled 'An act to define the extent of possession in cases of settlement upon the public lands,' approved Feb. 27, 1837," reported the same with an amendment; which was concurred in by the House, and the bill, as amended,

*Ordered* to be engrossed for a third reading.

Mr. Webb of White, from the committee on the Judiciary, to which was referred the bill from the Senate for "An act relating to lien upon real estate created by judgment of courts," reported a substitute for the original bill, which was read, and concurred in:

When, on his motion, the bill was laid on the table.

Mr. Webb of White, from the committee on the Judiciary, to which was referred a certain resolution, reported a bill for "An act to amend an act, entitled 'An act concerning judgments and executions,' approved January 17, 1825;" which was read the first time, and

*Ordered* to a second reading.

Mr. McCutchen, from the committee on the Judiciary, to which was referred a bill for "An act for the relief of settlers upon the public lands," reported the same with an amendment, which was read and concurred in; and, thereupon, the bill was

*Ordered* to be engrossed for a third reading.

Mr. Naper, from the select committee to which was referred a bill for "An act to repeal part of an act incorporating the city of Chicago," reported the same with amendments, which were read and concurred in; when,

On motion of Mr. Walker of Vermilion,

The second section of the bill was amended, by adding, at the end thereof, the following:

"*Provided*, That this section shall not be construed as a release of errors that might have been taken advantage of in said municipal court, or as confirming the jurisdiction of the said court in any case, unless the said court could have had jurisdiction if this act had not been passed." The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Maus, from the select committee to which was referred a certain petition, reported a bill for "An act to authorize Reuben and Sullivan L. Haines to raise a mill-dam across the Mackinaw river;" which was read the first time, and

*Ordered* to a second reading.

Mr. Kent, from the select committee to which was referred a certain petition, reported a bill for "An act to continue the State road from Hennepin, on the Illinois river, by Manning's to Illinois city, in Rock Island county, to Coleman's ferry, on the Mississippi river;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Alexander,

*Resolved*, That the committee on Internal Improvements be instructed to inquire into the expediency of improving the navigation of the Embarrass river, from the mouth of said river to the town of Newton, and that they be required to report by bill or otherwise."

On motion of Mr. Webb of White,

*Resolved*, That 3,000 copies of the report of the Commissioners of Public Works, ordered by this House on Friday last to be printed, be distributed among the members of the Senate and House of Representatives; and that the Clerk inform the Senate of the adoption of this resolution.

On motion of Mr. Allen of Greene,

*Resolved*, That the committee on Internal Improvements be instructed to inquire into the expediency of constructing a railroad from Jacksonville to Grafton, on the Mississippi, so as to pass through the towns of Manchester, Whitehall, Carrollton, and Jerseyville.

On motion of Mr. Stapp,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of subscribing for ——— copies of the Decisions of the Supreme Court of this State, now in a course of publication; and that they report by bill or otherwise.

On motion of Mr. Alexander,

*Resolved*, That the committee on Manufactures and Agriculture be instructed to inquire into the expediency of regulating the sale of shelled corn and wheat by weight, and fixing by law the weight of which the bushel of each shall consist; and report by bill or otherwise.

On motion of Mr. Thornton,

*Resolved*, That the Clerk of this House be instructed to reserve 2,000 copies of the report and accompanying documents from the Fund Commissioners, out of the 5,000 ordered to be printed, and that the said 2,000 copies be bound with the journals.

On motion of Mr. Flood,

*Resolved*, That a committee be appointed to superintend the printing of the report to the Governor by the Board of Public Works, in accordance with the recommendation of the Governor upon that subject.

*Ordered*, That Messrs. Flood, Cloud, and Lyons, be that committee.

Mr. Henry asked and obtained leave to introduce a bill for "An act to provide for securing, to mechanics and others, liens for the value of labor and materials;" which was twice read, laid on the table, and 150 copies ordered to be printed.

A message from the Senate, by Mr. Covell, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have adopted the following resolution:

*Resolved by the Senate, the House of Representatives concurring herein*, That a joint select committee, consisting of four members of the Senate, and seven members of the House of Representatives, be appointed to investigate all charges and complaints which may be preferred against any member or members of the Board of Public Works; and that said committee be so organized that one member from each judicial circuit shall constitute the component part of said committee to be appointed by the House of Representatives; and that said committee shall have power to examine witnesses, take depositions, send for persons and papers, and do such other things as may seem to them indispensably necessary towards obtaining a full, fair, and complete investigation; and have appointed Messrs. Gatewood, Hacker, Browning, and Richardson, the committee on their part.

In the adoption of which resolution, they ask the concurrence of the House of Representatives.

They have also concurred with the House of Representatives in the passage of a bill of the following title: "An act to repeal part of an act, entitled 'An act to provide for the sale of certain canal lands, and for other purposes.'" And he withdrew.

Mr. Lyons asked and obtained leave to introduce a bill for "An act to authorize the administrators of Alexander Brenton, in conjunction with Rebecca Ogden, to convey certain lands;" which was twice read, and,

On his motion, referred to the committee on the Judiciary.



Mr. Williams moved that the House adjourn; which was not agreed to.

Mr. Jarrott asked and obtained leave to bring in a bill for "An act to authorize Thomas Reynolds and Elisha Seymour to build a toll-bridge across the Kaskaskia river, at Farmington, in the county of St. Clair;" which was read the first time, and

*Ordered* to a second reading.

Mr. Copeland asked and obtained leave to introduce a bill for "An act to sell the property of Eliakim Russell;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Kent asked and obtained leave to introduce a bill for "An act for a State road therein named;" which was read the first time, and

*Ordered* to a second reading.

Mr. Webb of White moved to postpone the orders of the day, and take up the engrossed bill for "An act to amend an act, entitled 'An act to incorporate the Carmi Bridge Company,' approved February 6, 1835;" which was agreed to.

The bill was then read a third time and passed.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk carry the said bill to the Senate, and that he ask their concurrence therein.

On motion of Mr. Naper,

The House then adjourned.

## TUESDAY, JANUARY 1, 1839.

House met pursuant to adjournment.

Mr. Walker of Fulton presented a petition, signed by sundry citizens of the county of Fulton, praying a change in the militia law of this State. On his motion, the reading thereof was dispensed with, and it was referred to the committee on the Militia.

Mr. Stapp presented the petition of sundry citizens of Knox and Peoria counties, praying for the establishment of a State road therein named. On his motion, the reading thereof was dispensed with, and it was referred to the committee on State Roads.

Mr. Aldrich presented a petition from sundry citizens of Hancock county, praying for the repeal of all laws authorizing the retailing of intoxicating liquors. On his motion, the reading thereof was dispensed with, and it was referred to the committee on the Judiciary.

Mr. Rawalt, from the committee on Finance, to which was referred a preamble and resolution relative to the purchase of public lands by the State of Illinois, asked that the committee should be discharged from the further consideration of the same; which was agreed to.

Mr. Williams, from the committee on Finance, to which was referred a bill for "An act providing for the election of a public binder, and defining his duties," reported the same without amendment, and recommended its rejection.

Mr. Williams then moved to lay the bill on the table; which was done.

Mr. Calhoun, from the committee on Public Accounts and Expenditures, to which was referred the following bills, viz:

A bill from the Senate for "An act making an appropriation for the completion and furnishing of the State house at Springfield;" and

A bill for "An act to amend 'An act permanently locating the seat of Government for the State of Illinois, and other purposes,'" reported the same without amendment:

When, on his motion, the two bills were severally referred to a committee of the Whole House, and made the order of the day for Thursday next.

Mr. Williams, from the select committee to which was referred a certain petition, reported a bill for "An act for the location of a State road from Clayton, in Adams county, through Chili, in Hancock county;" which was read the first time, and

*Ordered* to a second reading.

Mr. Lincoln moved to reconsider the vote of the House, on this day, discharging the committee on Finance from the further consideration of a certain preamble and resolution relative to the purchase of public lands by the State of Illinois; which was agreed to.

The question was then taken on discharging the committee from the further consideration thereof, and decided in the negative.

Mr. Stapp, from the select committee to which was referred a certain petition, reported a bill for "An act to legalize the sale of section sixteen, in township nine north, range two east, in Knox county;" which was read twice, and

*Ordered* to be engrossed for a third reading.

Mr. Naper moved to take up the bill for "An act to incorporate the Illinois Insurance Company;" which was agreed to.

On motion of Mr. Naper,

The bill was then recommitted to the committee on the Judiciary.

Mr. Williams introduced a bill for "An act to change the name of the town of Fairfield, in Adams county;" which was read the first time, and

*Ordered* to a second reading.

Mr. Henderson moved to take up the bill for "An act for the relief of the late Warden of the Penitentiary;" which was agreed to.

The bill was then read a third time and passed.

*Ordered*, That the title thereof be as aforesaid.

Mr. Henderson moved to take up the bill for "An act to establish the county of Marshall;" which was not agreed to.

Mr. Webb of White moved to take up a bill from the Senate, for "An act to amend the act, entitled 'An act for the relief of Nathaniel Pope and others,' approved July 21, 1837;" which was agreed to.

The bill was then read a third time and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the passage of said bill.

The House then proceeded to consider the resolution of the Senate for the appointment of a joint select committee to investigate charges against the Commissioners of the Board of Public Works.

Mr. Hardin moved to amend the resolution by adding thereto the following:

"And that said committee be required to examine the books, accounts, and vouchers, of the Commissioners of the Board of Public Works, and of the Fund Commissioners; that they also examine whether any of the said Commissioners have violated any of the provisions of the act to establish and maintain a general system of Internal Improvements, or of any of the acts supplementary thereto; or whether any of said Commissioners have given such an interpretation to any of said acts as tends to the detriment of the State, or to bring discredit and suspicion on the officers charged with the enforcement of said acts; and that they have leave to report by bill or otherwise, if, in the opinion of said committee, the present laws have been found insufficient to protect the interests of the State. Said committee are hereby authorized to employ a clerk to keep a record of their proceedings, and to take down such testimony as the committee may direct; and the examination of all witnesses shall be made under oath."

And further to amend the same, by striking out all that part of the resolution which requires the committee on the part of the House to be composed of a member from each judicial circuit.

Mr. Moore called for a division of the question.

The question was then taken on the first part of the amendment proposed; which was agreed to.

The question was then taken on the latter part of the amendment; which was also agreed to.

The resolution as amended was concurred in.

*Ordered*, That Messrs. Thornton, Calhoun, Robinson, Hardin, Roman, Naper, and French, be the committee on the part of the House, that the Clerk inform the Senate of the amendment made in their said resolution by this House, and of the concurrence of the House therein as amended.

The engrossed bills, entitled

A bill for "An act to establish the county of Marshall;"

"An act authorizing the Governor to commission the sheriff of Peoria county;"

A bill for "An act relative to the town of Naples;"

A bill for "An act to repeal part of the act, entitled 'An act to incorporate the Kaskaskia Bridge Company;'"

A bill for "An act to prevent trespassing by cutting timber;"

A bill for "An act to relocate a part of a certain State road therein named;"

A bill for "An act supplemental to 'An act to incorporate the Rushville Railroad Company,' approved Jan. 16, 1836;"

A bill for "An act to repeal a certain act therein named;"

A bill for "An act to vacate a part of an addition to the town of Danville;" and

A bill for "An act to amend an act, entitled 'An act authorizing a lottery to raise funds for the purpose of draining the ponds of the American bottom;'"

Were severally read a third time and passed.

*Ordered*, That the titles of the said bills be respectively as aforesaid, and that the clerk carry the said bills to the Senate, and ask their concurrence therein.

The engrossed bill for "An act to incorporate the town of Danville," was read a third time.

Mr. Murphy of Vermilion moved to amend the bill by adding at the end thereof, the following :

*"Provided, That if a majority of the legal voters within the limits of said corporation shall, at the first regular election for trustees of said town, vote against being incorporated under this act, then this act shall be void to all intents and purposes."*

Mr. Walker of Vermilion moved to amend the foregoing amendment by striking out the words, "voters within the limits of said corporation," and inserting in lieu thereof, "voters of Vermilion county."

On motion of Mr. Elliott,

The bill and amendments were referred to the committee on the Judiciary.

A message from the Governor, by A. P. Field, Secretary of State, was received, and read, as follows:

EXECUTIVE DEPARTMENT,

*Vandalia, January 1, 1839.*

SIR: In compliance with a resolution of the House of Representatives, calling on this Department for the reports of the Board of Commissioners of the Illinois and Michigan canal, I have the honor herewith to transmit to you their report made to me in conformity to law, which I received on this morning, and which I respectfully request you to lay before the body over which you have the honor to preside.

I am, sir, with high respect,

Your obedient servant,

THOMAS CARLIN.

To the Hon. the SPEAKER

*of the House of Representatives.*

On motion of Mr. Webb of White,

*Ordered,* That the Clerk be excused from placing the report of the Canal Commissioners upon the journal, that the report be laid on the table, that 5,000 copies thereof be printed, 2,500 thereof for the use of the members of the Senate and House of Representatives, 500 thereof for the use of the Canal Commissioners, and that the remaining 2,000 copies be placed in the office of the Secretary of State, to be distributed with the journals; also, that the Clerk inform the Senate of this order.

The House then adjourned.

WEDNESDAY, JANUARY 2, 1839.

House met pursuant to adjournment.

Mr. Edmonston presented a petition of sundry citizens of the military tract, for roads from Macomb to Fort Madison and Burlington. On his motion, the reading thereof was dispensed with, and it was referred to the same select committee to which was referred another petition on the same subject.

Mr. Edwards presented the petition of Hannah Clark, for a divorce. On his motion, the reading thereof was dispensed with, and it was referred to the committee on the Judiciary.

Mr. Naper, from the committee on Claims, to which was referred the petition of Brown Searl and Luther Driskill, Commissioners of State road, and hands employed by them, praying relief, reported adversely to the prayer of the petitioners, and asked to be discharged from the further consideration of the same; which was granted:

When,

On motion of Mr. Henderson,

The petition was referred to the committee on the Judiciary.

Mr. Aldrich, from the select committee to which was referred a certain petition, reported a bill for "An act to relocate part of a State road therein named;" which was read the first time, and

*Ordered* to a second reading.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred a bill for "An act to construct bridges across the Kaskaskia and Embarrass rivers, at or near the points where the Springfield trace crosses said streams, and for other purposes," reported the same back, and asked to be discharged from the further consideration of the same.

On motion of Mr. Smith of Wabash,

The bill was laid on the table.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred a bill for "An act for the benefit of the counties therein named," reported the same back to the House, and recommended its rejection, for the following reasons:

1st. That the \$200,000 appropriated by the 15th division of the 18th section of the Internal Improvement act, to be distributed to the several counties through which no railroad or canal was authorized by that act to be constructed, is vested in the original counties intended by said act to receive the same, and cannot justly be withdrawn from them, in whole or in part, for the purpose of being granted to other counties.

2d. That new counties, which have been formed since the passage of said act out of counties originally entitled to receive a distributive share of this appropriation, should claim their proportionate share of the amounts received or receivable by the original county out of which they have been formed.

3d. That counties, which have been separated from original counties through which railroads or canals were authorized to be constructed, have so separated in their own wrong, and cannot now claim the right of receiving a distributive share of the original appropriation, and thereby lessen the amount intended by the act to be paid to other counties.

The committee express no opinion as to the justice or expediency of the counties named in the bill being entitled to claim an appropriation similar to that granted in the above recited act to other counties similarly situated, as to the location of the public works, but confine their objections to the features of the present bill, which require payments to be made to them out of moneys which the committee entertain the opinion are now already appropriated to and vested in other counties.

On motion of Mr. Henderson,

The bill and report were laid on the table.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have adopted the following resolution:

*Resolved by the Senate, the House of Representatives concurring herein,* That the standing committees of both Houses on Finance be instructed to examine the Auditor's and Treasurer's offices, and report the result of their labors to their respective Houses, before the 14th January, 1839.

In the adoption of which they ask the concurrence of the House of Representatives. And he withdrew.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred a bill for "An act to incorporate the Albion and Graysville Railroad Company," made the following report:

That, in the opinion of the committee, it is inexpedient for the Legislature to authorize corporations or individuals to construct railroads or canals calculated to come into direct competition with similar works now in a course of construction under the State system of Internal Improvement. It is well known that there exists an honest difference of opinion in regard to the policy and probable revenue to be derived from the State works; and, therefore, the committee deem it unwise, for the Legislature, in the infancy of the system, to abstract from any portion of her own public works the profits and receipts upon which the friends and advocates of the system have predicated their support of it, and thus impair the confidence of the people in its ultimate success.

The committee are free to admit that there may be extreme cases in which, in the adoption of the State system, the wants of some portions of the people have been unavoidably left unprovided for, which might justify a departure from this salutary rule of legislative action. In the case, however, now under consideration, the country proposed to be accommodated by the railroad mentioned in the bill, is already provided for in the system, and the State improvement is in a state of forwardness approximating to completion.

The committee would take this occasion to draw a marked distinction between the construction, by companies, of lateral branches of railroads from the interior to intersect the State improvements, and thereby throw trade and travel upon the latter, and those works calculated to withdraw the business from the main lines, and thus reduce the revenue which the State would otherwise receive.

It is true that there is a provision in the bill under consideration, reserving to the State the privilege of purchasing the road under certain restrictions. But as objections are urged against the State system on account of its magnitude and probable cost, it seems to the committee that the granting of charters at present, with the view of augmenting this objection, would be impolitic.

The committee entertaining these views of the subject do, on general principles of State policy alone, and not with any hostility to this particular bill, report the same back to the House, and recommend its rejection.

After some discussion thereon,

On motion of Mr. Webb of White,

The bill and report were referred to a committee of the Whole House and made the order of the day for this afternoon.

The House then adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

A message from the Governor, by A. P. Field, Secretary of State, was received, and read, as follows:

EXECUTIVE DEPARTMENT,

*Vandalia, January 2, 1839.*

SIR: I have the honor herewith to transmit to the House of Representatives a printed circular letter, together with a list of admissions, of the Board of Administrators of the Charity Hospital of the city of New Orleans, asking of the Legislature of this State such relief as to their wisdom and humanity may seem right and proper.

Institutions, whose objects and operations have been solely directed to promote the cause of humanity by relieving the distress and sufferings of the sick and afflicted, have, in all civilized and enlightened countries, received the patronage and aid of philanthropists, as well as the protection and encouragement of Governments. How far this institution may justly claim your aid, is left for you to determine.

I have the honor to be, sir,

Your obedient servant,

THOMAS CARLIN.

To the Hon. the SPEAKER of the  
*House of Representatives.*

The Secretary then withdrew.

On motion of Mr. Moore,

The message, with the accompanying document, was laid on the table.

On motion of Mr. Webb of White,

The House resolved itself into committee of the Whole, upon the bill for "An act to incorporate the Albion and Graysville Railroad Company;" and after some time spent therein, the Speaker resumed the chair, and

Mr. Lincoln reported that they had, according to order, had said bill under consideration, made some progress therein, and asked leave to sit again; which was granted.

And then the House adjourned.

THURSDAY, JANUARY 3, 1839.

House met pursuant to adjournment.

Mr. Naper presented the petition of sundry citizens of Cook and Will counties, praying the establishment of a State road therein named; the reading of which was, on his motion, dispensed with, and referred to a select committee.

*Ordered,* That Messrs. Naper, Moore, and Hull, be that committee.

Mr. Smith of Wabash, from the committee on Internal Improvements, reported the following resolution, viz:

*Resolved*, That the committee on Internal Improvements be authorized to procure a suitable committee room in which to transact the business referred to them; and, also, to employ a clerk to aid the committee during such period as may be deemed by them indispensably necessary.

On motion of Mr. Webb of White,

The resolution was laid on the table.

Mr. Naper, from the select committee to which was referred a certain petition, reported a bill for "An act to create the county of Du Page;" which was twice read, and referred to the committee on Counties.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have concurred with them in their amendments to the Senate's resolution having for its object the appointment of a joint select committee to investigate charges against Commissioners of the Board of Public Works, &c.

They have passed bills of the following titles, viz:

"An act to amend an act to incorporate the Mississippi and Rock River Canal Company;"

"An act to change the name of the town of Geneva, in the county of Warren;"

"An act to amend an act concerning judgments and executions;"

"An act to amend an act, entitled 'An act to incorporate the Cairo City and Canal Company;'"

"An act further amending the act, entitled 'An act to provide for the election of justices of the peace and constables,' approved December 30, 1826;"

In the passage of which several bills they ask the concurrence of the House of Representatives. And then he withdrew.

The resolution from the Senate, providing for an examination of the Auditor's and Treasurer's offices, was read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Hardin asked and obtained leave to introduce a bill for "An act to amend an act to incorporate the Caledonia Railroad Company;" which was twice read, and referred to the committee on Internal Improvements.

Mr. Edwards asked and obtained leave to introduce a bill for "An act to amend an act concerning the right of way, and for other purposes;" which was twice read, and referred to the committee on the Judiciary.

Mr. Stapp asked and obtained leave to introduce a bill for "An act concerning the public revenue of the county of Knox;" which was twice read, and referred to the committee on Finance.

Mr. Daley asked and obtained leave to introduce a bill for "An act to regulate public stages and the law of the road;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Edmonston,

*Resolved by the House of Representatives*, That the committee on the Judiciary be instructed to inquire into the expediency of providing, by law, for the payment of costs in the trial of criminal cases, without regard to the conviction or acquittal of the accused.



On motion of Mr. Henderson,

The resolution, some time since offered by Mr. Williams, deprecating the election of members of Assembly to State offices, was laid on the table.

The engrossed bills, entitled

"An act to incorporate the town of Warsaw;"

"An act to grant a compensation to the Brigade Inspector of the first brigade and third division of Illinois militia;"

"An act in relation to garnishees;"

"An act to vacate certain alleys in the town of Tremont;"

"An act to incorporate the Warsaw University of Illinois;"

"An act to authorize Benjamin McKay and others to lay off additional lots in the town of Stephenson, in Rock Island county;"

"An act to incorporate the Menard Academy of Kaskaskia;"

"An act for the relief of the securities of Thomas Moore;"

"An act for the relief of the inhabitants of township number two south, range eight east, in Wayne county;"

Were severally read the third time, and passed.

*Ordered*, That the titles of the bills be as aforesaid, that the Clerk inform the Senate thereof, and ask their concurrence therein.

The engrossed bill, entitled a bill for "An act to amend an act, entitled 'An act to amend an act for the limitation of actions, and for avoiding vexatious law suits,'" was read a third time, and passed.

On motion of Mr. McCutchen,

The title of the bill was amended, so as to read, a bill for "An act supplemental to an act, entitled 'An act to amend, &c.' "

*Ordered*, That the title of the bill be as amended, that the Clerk inform the Senate thereof, and ask their concurrence therein.

The bill from the Senate, entitled "An act legalizing process issued by judges and justices of probate," was read a third time, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

The engrossed bill, entitled "An act to amend an act, entitled 'An act to incorporate the Canton College of Illinois,'" was read a third time, and,

On motion of Mr. Elkin,

Referred to the committee on the Judiciary.

The engrossed bill, entitled "An act making an appropriation for the Penitentiary," was read a third time, and,

On motion of Mr. Murphy of Vermilion,

Was laid on the table.

The engrossed bill for "An act to legalize the sale of section sixteen, in township nine north, range two east, in Knox county," was read a third time, and,

On motion of Mr. Stapp,

Referred to a select committee.

*Ordered*, That Messrs. Stapp, Rawalt, and Compher, be that committee.

The bills, entitled

"An act to change the name of the town of Vienna;"

"An act to increase the number of justices' districts in the county of Greene;"

"An act in relation to the records of Johnson county;"

A bill for "An act to legalize the acts of John Simpson, justice of the peace;"

A bill for "An act to amend an act, entitled 'An act prescribing the mode of summoning grand and petit jurors, and defining their qualifications and duties;'"

Were severally read a second time, and

*Ordered* to be engrossed for a third reading.

The bill for "An act to incorporate the Springfield High School Association," was read a second time, and,

On motion of Mr. Dawson,

Referred to a select committee.

*Ordered*, That Messrs. Dawson, Baker, and Hardin, be that committee.

The bill for "An act to incorporate the Warsaw Railroad Company," was read a second time, and,

On motion of Mr. Aldrich,

Referred to the committee on Internal Improvements.

The bills, entitled

"A bill for "An act relocating a part of the State road leading from Pinckneyville to Kaskaskia;" and

A bill for "An act concerning State roads;"

Were severally read a second time, and

Referred to the committee on State Roads.

The bills, entitled

A bill for "An act to amend the several laws in this State regulating elections;"

A bill for "An act to prevent the circulation of Bank notes of a less denomination than five dollars;"

A bill for "An act to incorporate the Schuyler County Mutual Fire Insurance Company;" and

"An act supplemental to an act, entitled 'An act to regulate the action of replevin,' approved Jan. 29, 1827;"

Were severally read a second time, and

Referred to the committee on the Judiciary.

The bills from the Senate, entitled

A bill for "An act in relation to the town of Bloomington;"

A bill for "An act to provide for settling the accounts between the State and the Illinois and Michigan canal;"

A bill for "An act to authorize Edmund White to establish a ferry across the Mississippi river;"

A bill for "An act legalizing the assessment of the property taken in the county of Peoria for 1838;" and

A bill for "An act to incorporate the Mechanic Association and Galena Beneficial Society;"

Were severally read a second time, and

*Ordered* to a third reading.

The bill from the Senate, entitled a bill for "An act to vacate the survey and plat of Garret's addition to the town of Peoria, and also to vacate the plat of the town of Hudson," was read a second time, and,

On motion of Mr. Compher,  
Referred to a select committee.

*Ordered*, That Messrs. Compher, Maus, and Hankins, be that committee.

The bill from the Senate, entitled a bill for "An act to amend an act, entitled 'An act prescribing the mode of proceeding in chancery,'" was read a second time, and,

On motion of Mr. McCutchen,  
Referred to the committee on the Judiciary.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed to inform the House of Representatives that the Senate have adopted the following resolution, viz:

*Resolved by the General Assembly of the State of Illinois*, That the Secretary of State be directed to purchase, for the use of the State, any number of copies of Breese's Reports of the Decisions of the Supreme Court of this State, not exceeding fifty, at a price not exceeding two dollars and fifty cents per volume.

In the adoption of which they ask the concurrence of the House of Representatives. And then he withdrew.

On motion of Mr. Webb of White,  
The House adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The bill from the Senate, entitled "An act to amend an act, entitled 'An act to prevent trespasses by cutting timber,' approved February 27, 1819," was read a second time, and

*Ordered* to a third reading.

On motion of Mr. Webb of White,

The resolution submitted this morning by Mr. Smith of Wabash, authorizing the committee on Internal Improvements to procure a room for their meetings, and to employ a clerk, was taken up for consideration.

On motion of Mr. Webb of White,

The resolution was amended by striking out so much of the resolution as authorized the employment of a clerk.

The resolution, as amended, was then adopted.

On motion of Mr. Robert Smith,

The bill for "An act making an appropriation for the Penitentiary," was taken up and passed.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk inform the Senate thereof, and ask their concurrence therein.

The bills, entitled

"An act to authorize Thomas Reynolds and Elisha Seymour to build a toll-bridge across the Kaskaskia river, at Farmington, in the county of St. Clair;"

"An act to authorize Reuben and Sullivan L. Haines to raise a mill-dam across the Mackinaw river;"

A bill for "An act to amend an act, entitled 'An act concerning judgments and executions,' approved January 17, 1825;" and

A bill for "An act to change the name of the town of Fairfield, in Adams county;"

Were severally read a second time, and

*Ordered* to be engrossed for a third reading.

The bills, entitled

"An act for a State road therein named;"

"An act to continue the State road from Hennepin, on the Illinois river, by Manning's to Illinois city, in Rock Island county, to Coleman's ferry, on the Mississippi river;"

A bill for "An act for the location of a State road from Clayton, in Adams county, through Chili, in Hancock county;"

A bill for "An act to relocate part of a State road therein named;"

Were severally read a second time, and

Referred to the committee on State Roads.

The House then took up the resolution of the Senate directing the Secretary of State to purchase any number of copies of Breese's Reports, not exceeding fifty, &c. for the use of the State.

When,

On motion of Mr. Hardin,

It was referred to the committee on the Judiciary.

The bills from the Senate, entitled

A bill for "An act further amending the act, entitled 'An act to provide for the election of justices of the peace and constables,' approved December 30, 1826;"

A bill for "An act to amend an act, entitled 'An act to incorporate the Cairo City and Canal Company;"

A bill for "An act to amend an act concerning judgments and executions;" and

A bill for "An act to change the name of the town of Geneva, in the county of Warren;"

Were severally read the first time, and

*Ordered* to a second reading.

The bill from the Senate for "An act to amend an act to incorporate the Mississippi and Rock River Canal Company," was twice read, and,

On motion of Mr. Smith of Wabash,

Referred to the committee on Internal Improvements.

On motion of Mr. Elkin,

The House resolved itself into committee of the Whole House, on the bill, entitled "An act to increase the salaries of certain officers therein named;" and after some time spent therein, the Speaker resumed the chair, and

Mr. Edmonston reported that they had, according to order, had the same under consideration, and made sundry amendments thereto; in which he was directed to ask the concurrence of the House.

The question was then taken separately upon each of the amendments and decided in the affirmative.

The House then adjourned.

FRIDAY, JANUARY 4, 1839.

House met pursuant to adjournment.

Mr. Elkin presented the petition of sundry citizens of Athens, Sangamon county, Illinois, praying a repeal of the law granting tavern license; the reading of which was, on his motion, dispensed with, and it was referred to the committee on the Judiciary.

Mr. Morgan presented the petition of John Coleman, on behalf of the infant heirs of Robert Coleman, deceased; the reading of which was, on his motion, dispensed with, and it was referred to a select committee.

*Ordered*, That Messrs. Morgan, Thomas of St. Clair, and Jones, be that committee.

Mr. Jarrott presented the petition of Hugh Duffly and John Winstanley, praying for relief; which was read.

Mr. Jarrott moved to refer it to the committee on Claims.

Mr. Naper moved to refer to the committee on Internal Improvements.

The question was taken on referring to the committee on Claims, and decided in the affirmative.

Mr. Murphy of Cook presented the remonstrances from citizens of McHenry county against adding a portion of said county to a portion of the county of Cook, or any adjacent county; the reading of which was, on his motion, dispensed with, and they were referred to the same select committee to which was referred a petition in relation to the same subject.

Mr. Craig presented the petition of the inhabitants of Mercer and Rock Island counties, praying the establishment of a State road; the reading of which was, on his motion, dispensed with, and it was referred to the committee on State Roads.

Mr. Craig presented a petition for two ranges east of Boone county, to be attached to Boone; the reading of which was, on his motion, dispensed with, and it was referred to the committee on Counties.

Mr. Cunningham presented a petition from Louisiana Stephenson, praying for a divorce; the reading of which was, on his motion, dispensed with, and it was referred to a select committee.

*Ordered*, That Messrs. Cunningham, McMillan, and Hardin, be that committee.

Mr. Kent presented a petition of sundry inhabitants of Bloomingville, in Ogle county, praying for the establishment of a State road from Peru, on the Illinois river, to the State line, via Troy grove, Inlet grove, Bloomingville, and Freeport, in Stephenson county, to the State line, intersecting there a road leading to Mineral Point.

On motion of Mr. Kent,

The reading thereof was dispensed with, and it was referred to the committee on State Roads.

Mr. Murphy of Cook presented the petition of sundry citizens of Cook county and others, praying for an act of incorporation; which was read, and, on his motion, referred to the committee on Manufactures and Agriculture.

Mr. Green of Clay presented a petition for granting to L. D. Heileman the right to build a mill-dam across the Little Wabash river; the reading thereof was, on his motion dispensed with, and it was referred to the committee on Internal Improvements.

Mr. Henderson, from the committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles:

"An act to vacate the plat of the town of Peru, in the county of McLean;"

"An act to repeal part of an act, entitled 'An act to provide for the sale of certain canal lands, and for other purposes;'"

Also the following resolutions:

A resolution in relation to unsurveyed lands in Illinois;

A resolution in relation to granting pre-emption rights;

A resolution asking of Congress a bounty to soldiers of the late war; and,

A preamble and resolutions for the establishment of a mail route from Carlyle to the mouth of the Ohio.

Mr. Maus, from the committee on Engrossed Bills, reported, as correctly engrossed, bills of the following titles, viz:

"An act to relocate the seat of justice of Livingston county;"

"An act for the relief of settlers upon the public lands;"

"An act to change an appropriation made to the county of Lawrence;"

"An act supplementary to the act, entitled 'An act to define the extent of possession in cases of settlement on the public lands;'"

"An act to incorporate the Invincible Dragoons of the second division of Illinois militia;"

"An act to sell the property of Eliakim Russell;" and

"An act to repeal part of an act to incorporate the city of Chicago."

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred the Senate bill for "An act to amend an act to incorporate the Mississippi and Rock River Canal Company," reported the same without amendment; whereupon, it was

*Ordered* to a third reading.

Mr. Fisk, from the committee on the Judiciary, to which was referred a bill for "An act to amend an act concerning the right of way, and for other purposes," reported the same without amendment; whereupon, it was

*Ordered* to be engrossed for a third reading.

Mr. Fisk, from the committee on the Judiciary, to which was referred a bill for "An act allowing limited and special partnerships," reported the same without amendment.

On motion of Mr. Hardin,

It was laid on the table.

Mr. Fisk, from the committee on the Judiciary, to which was referred the petition of Brown Searl and Luther Driskell, commissioners of State road, and hands employed by them, for compensation, reported the same and asked to be discharged from the further consideration thereof; which was granted.

On motion of Mr. Henderson,

Referred to the committee on State Roads.

Mr. Fisk, from the committee on the Judiciary, to which was referred

Mr. Edmonston's resolution directing them to inquire into the expediency of providing by law for the payment of costs in criminal cases, reported the same back to the House, and asked to be discharged from the further consideration thereof; which was granted.

Mr. Hardin, from the committee on the Judiciary, to which was referred the engrossed bill for "An act to incorporate the town of Danville," reported the same with an amendment, which was read and concurred in.

Mr. Walker of Vermilion moved to amend the bill by striking out the words "legal voters within the limits of said corporation," and insert "legal voters within the limits of Vermilion county;" which was not agreed to.

On motion of Mr. Murphy of Vermilion,

The 21st section of the bill was amended by striking out the words "without oath," and inserting the words "under oath;" and,

On motion of Mr. English,

The bill was further amended by adding at the end thereof, the following *proviso*, viz:

"And provided further, that a majority of the legal voters of said corporation shall have power, at any regular election of trustees, to dissolve the same."

The question was then taken on the passage of the bill, and decided in the affirmative, by yeas and nays, as follow, upon the call of Messrs. Walker of Vermilion and Green of Greene, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Greene, Baker, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Emmerson, Fisk, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, Maus, Menard, Murphy of Vermilion, Naper, Otwell, Pace, Philips, Rawalt, Read, Roberts, Smith of Wabash, G. Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Fulton, Webb of White, Williams, and Zimmerman—47.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copeland, Crain, Daley, Edmonston, English, Foster, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Huey, Logan, McMillan, McWilliams, Moore, Morgan, Murphy of Cook, Robinson, Roman, Walker of Vermilion, and Mr. Speaker—33.

Mr. McCutchen, from the committee on the Judiciary, to which was referred a bill for "An act to authorize the administrators of Alexander Brenton, in conjunction with Rebecca Ogden, to convey certain lands," reported the same without amendment, and recommended its rejection.

The question was then taken—"Shall the bill be engrossed for a third reading?"

And decided in the negative.

Mr. Carpenter, from the committee on Elections, to which were referred two several resolutions, one making it the duty of the county commissioners to lay off districts for the election of county commissioners; and the other providing for the election of treasurer every two years,

reported the same back to the House, and asked to be discharged from the further consideration thereof; which was granted.

The House then adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The question pending at the adjournment of the House last evening, being on the engrossment of the bill, entitled "An act to increase the salaries of certain officers therein named;"

On motion of Mr. Edmonston,

It was laid on the table.

The bills from the Senate, entitled

"An act to amend an act, entitled 'An act to prevent trespassing by cutting timber,' approved February 27, 1819;"

"An act in relation to the town of Bloomington;"

"An act to provide for settling the accounts between the State and the Illinois and Michigan canal;"

"An act legalizing the assessment of the property taken in the county of Peoria for 1838;" and

"An act to incorporate the Mechanic Association and Galena Beneficial Society;"

Were severally read a third time, and passed.

*Ordered*, That the titles of the said bills be as aforesaid, and that the Clerk inform the Senate of the concurrence of this House therein.

The bill from the Senate for "An act to authorize Edmund White to establish a ferry across the Mississippi river," was read a third time.

On motion of Mr. Williams,

It was amended, by striking out "Edmund," wherever it occurred in the bill, and inserting "Edward," in lieu thereof.

The question was then taken—"Shall the bill pass?"

And decided in the affirmative.

On motion of Mr. Williams,

The title of the bill was amended by striking out "Edmund," and inserting "Edward," in lieu thereof.

*Ordered*, That the title of the bill be as amended, that the Clerk inform the Senate of the amendments made by the House in the bill and the title thereof, and of its passage by the House as amended, and that he ask the concurrence of the Senate in said amendments.

The bills, entitled

"An act to sell the property of Eliakim Russell;"

"An act supplemental to the act, entitled 'An act to define the extent of possession in cases of settlement on the public lands,' approved 27th February, 1837;"

"An act to change an appropriation made to the county of Lawrence;"

"An act for the relief of settlers upon the public lands;" and

"An act to relocate the seat of justice of Livingston county;"

Were severally read a third time, and passed.

*Ordered*, That the titles thereof be as aforesaid, that the Clerk inform



the Senate of the passage of the same, and ask their concurrence therein.

The bill for "An act to repeal part of an act to incorporate the city of Chicago," was taken up, and,

On motion of Mr. Naper,

Laid on the table.

The bill for "An act to incorporate the Invincible Dragoons of the second division of the Illinois militia," was read a third time, and,

On motion of Mr. Smith of Wabash,

Referred to a select committee.

*Ordered*, That Messrs. Smith of Wabash, Robinson, and Webb of White, be that committee.

The bill for "An act to regulate public stages and the law of the road," was read a second time, and,

On motion of Mr. Henry,

Referred to a select committee.

*Ordered*, That Messrs. Henry, Cunningham, and Daley, be that committee.

The bills from the Senate, entitled

"An act to change the name of the town of Geneva, in the county of Warren;" and

"An act further amending the act, entitled 'An act to provide for the election of justices of the peace and constables,' approved Dec. 30, 1826;"

Were severally read a second time, and

*Ordered* to a third reading.

The bill from the Senate for "An act to amend an act concerning judgments and executions," was read a second time, and,

On motion of Mr. Ficklin,

Laid on the table.

The bill from the Senate for "An act to amend an act, entitled 'An act to incorporate the Cairo City and Canal Company,'" was read a second time, and,

On motion of Mr. Williams,

Referred to the committee on Internal Improvements.

On motion of Mr. Ficklin,

The bill for "An act to distribute the school fund to the several counties in this State," was taken up, and,

On motion of Mr. Webb of White,

Referred to a committee of the Whole House.

Mr. Ficklin asked and obtained leave to introduce a bill for "An act to improve the navigation of the Embarrass river;" which was read the first time, and

*Ordered* to a second reading.

Mr. Lincoln moved to adopt, as an additional rule of this House, the following:

"No bill shall be referred or amended after its engrossment for the third reading, without the consent of two-thirds of the members present."

Mr. Williams moved to strike out the words "its engrossment for the;" which was agreed to.

Mr. Williams moved further to amend the resolution by adding after the word "after," the words "it is ordered to a;"

When,

On the further motion of Mr. Williams,  
The whole was laid on the table.

On motion of Mr. Pace,

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of increasing the capital stock of the Bank of Illinois to an amount equal to that of the State Bank of Illinois.

On motion of Mr. Robert Smith,

The bill some days since laid on the table for "An act to amend an act, entitled 'An act to incorporate the city of Alton,'" was taken up, and referred to the same select committee to which the petition of John T. Lusk was referred.

Mr. Smith of Wabash proposed for adoption the following resolutions, viz:

*Resolved by the people of the State of Illinois, represented in the General Assembly*, That it is due to the sovereignty and interests of this State, that the moneys received by the General Government in payment for the sale of lands within her territory should not, in the absence of insurmountable objections, be transferred to and deposited in the Banks of the adjoining States, to the exclusion of our own Banks.

*Resolved*, That our Senators in Congress be instructed, and our Representatives be requested, to institute an early investigation into the causes which have induced the General Government to pursue this policy; which, unexplained, is so injurious to the dignity as well as to the financial interests of this State; and, if it be found that those causes, if any, can be removed, to use their best exertions to procure a discontinuance of the policy.

*Resolved*, That the Governor be requested to transmit a copy of the above resolutions to each of our Senators and Representatives in Congress.

Mr. Walker of Vermilion moved to amend the resolutions by striking out the two first thereof, after the word "Resolved," and inserting in lieu thereof the following, viz:

"That we regret that the State Bank of Illinois, and Bank of Illinois at Shawneetown, have deprived themselves of the privilege of receiving the deposits of the United States revenue collected within this State, by receiving or paying out bills of a less denomination than five dollars, thereby not coming within the provisions of said laws.

"That while the State Bank deposit system is continued, we regret that the said Banks do not conform to said law, and that they are, by issuing or paying out bills of a less denomination than five dollars, depriving themselves of the receipt of said deposits."

*Resolved*, That if the said Banks will bring themselves within the provisions of said law of Congress, we think it will be detrimental to said Banks, to cause the revenue collected in this State to be longer deposited in the Bank of Missouri, as long as the State Bank deposit system is continued; and, if persisted in, would warrant the imputation of partiality.

*Resolved*, That the Presidents of said Banks be requested to communicate to this Legislature whether they do receive or pay out any bills.

under five dollars; and, if they do not, how long since they ceased to do so.

*Resolved*, That if said Banks shall report that they do not pay out or receive any bills under five dollars, then our Senators in Congress be instructed, and our Representatives be requested, to use the influence their station gives them, to cause the revenue collected in this State to be deposited in this State, so long as the State Bank deposit system is or shall be continued.

On motion of Mr. Hardin,

The resolutions and proposed amendment were laid on the table.

Mr. Henderson asked and obtained leave to introduce a bill for "An act to amend the several acts concerning justices of the peace and constables;" which was read the first time, and

*Ordered* to a second reading.

And then the House adjourned.

### SATURDAY, JANUARY 5, 1839.

House met pursuant to adjournment.

Mr. George Smith presented the petition of sundry citizens of Madison and Bond counties, for the location of a State road therein named. On his motion, the reading thereof was dispensed with, and referred to the committee on State Roads.

Mr. Allen of Greene presented a petition of G. W. Allen and others, for a State road. On his motion, the reading thereof was dispensed with, and it was referred to the committee on State Roads.

Mr. Green of Clay presented a petition relative to a State road from Shawneetown to Chicago; the reading of which was, on his motion, dispensed with, and the same referred to the committee on State Roads.

Mr. Thornton presented a petition from numerous citizens of Shelby county, praying a change in the State road therein named. On his motion, the reading thereof was dispensed with, and referred to the same select committee to which was referred certain other petitions on the same subject.

Mr. Webb of White, from the committee on the Judiciary. to which was referred a bill for "An act to incorporate the Illinois Insurance Company," reported the same with an amendment; which was concurred in, and

*Ordered* to be engrossed for a third reading.

Mr. Webb of White, from the committee on the Judiciary, to which was referred a bill for "An act to incorporate the Schuyler County Mutual Fire Insurance Company," reported the same without amendment.

Whereupon, it was

*Ordered* to be engrossed for a third reading.

Mr. Hardin, from the committee on the Judiciary, to which was referred a resolution of the Senate authorizing the Secretary of State to purchase a number of copies of Breese's Reports, not exceeding fifty, reported the same back, and recommended its rejection

The question was taken—"Will the House concur with the Senate in said resolution?"

And decided in the negative.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Webb of White, from the committee on the Judiciary, to which was referred a bill from the Senate for "An act to amend an act, entitled 'An act prescribing the mode of proceeding in chancery,'" reported the same without amendment.

*Ordered* to a third reading.

Mr. Stapp, from the committee on Finance, to which was referred a bill for "An act concerning the public revenue of the county of Knox," reported the same without amendment.

*Ordered* to be engrossed for a third reading.

Mr. Fisk, from the committee on the Judiciary, to which was referred a certain communication from the Governor of Georgia, made the following report, which was read, and is as follows:

The committee on the Judiciary, to which was referred a communication from the Governor of Georgia, relative to a correspondence between the Governor of Georgia and the Governor of Maine, upon the refusal of the Governor of Maine to deliver up Daniel Philbrook and Edward Kelloram, citizens of the State of Maine, and fugitives from justice—being charged with the secret and felonious abduction from the city of Savannah of a negro slave named Atticus, the property of James and Henry Sagurs, report:

That said committee have given the subject all the attention which might be expected from the nature and circumstances attending the said correspondence, and would express a deep regret that any attempt should ever be made on the part of the citizens of the free States to interfere, in any manner whatever, with the rights of the citizens of the slaveholding States. Said committee consider the holding of slaves as a constitutional privilege, guarantied to the slaveholding States by the articles of confederation, and that any attempt by the free States to interfere with the rights of the slaveholder would be a violation of a right which ought to be held as sacred as any other portion of the Constitution. Said committee look upon the cause of the abolitionists as one that is carried on through the intemperate zeal of misguided philanthropists; and while their professed object is to ameliorate or better the condition of a portion of the human family, the means which they adopt are calculated to lead to an entirely different result.

It is not the intention or desire of this committee to say any thing that might wound the feelings of any of our fellow-citizens, but only to express a deep regret that such questions should be agitated to distract the peace and quiet of the nation. Said committee would not desire to condemn the State of Maine as a State willing and disposed to encourage a policy which ought to be viewed as a moral and political pestilence, (which, if encouraged and suffered to go unchecked, would, in its tendency, spread devastation and ruin over the land,) until the Executive of that State should have an opportunity to explain the course which he has seen cause to pursue. To prevent any undue excitement of the people of the south, and to save their feelings from being wantonly outraged from any of the misguided fanatics of the north who might be determined, in

defiance of sound policy and the dictates of honest patriotism, and of the principles of constitutional law, to keep an excitement in relation to a certain species of property, with which no interference whatever from the free States ought to be encouraged, this committee would respectfully recommend for adoption the following resolutions :

1. *Resolved*, That we consider the refusal of the Executive of any State to deliver up, or cause to be delivered up, upon the demand of the Executive of any other State, any person who may be charged with the commission of a crime against the laws of the latter State and shall have fled therefrom, not only as dangerous to the rights of the people of the United States in general, but clearly and directly in violation of the plain letter of the Constitution of the United States, which is in the following words, to wit: "A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime."

2. *Resolved*, That each State, as a member of this confederacy, by the adoption of the Federal Constitution, became a party thereto, no less for the better protection of their own than the common rights and interests of all; and as such members of the confederacy, a free State or its citizens ought not to interfere with the property of slaveholding States; which property has been guarantied unto them by the Constitution of the United States, and without which guaranty, this Union, perhaps, would never have been formed.

Mr. Williams moved to lay the report and resolutions on the table; which was not agreed to.

When,

On motion of Mr. Webb of White,

The further consideration thereof was postponed until Monday the 14th inst.

Mr. Compher, from the select committee to which was referred a bill from the Senate for "An act to vacate the survey and plat of Garret's addition to the town of Peoria, and also to vacate the plat of the town of Hudson," reported the same back with an amendment; which was concurred in.

*Ordered* to a third reading.

Mr. Dawson, from the select committee to which was referred a bill for "An act to incorporate the Springfield High School Association," reported the same with an amendment; which was concurred in.

*Ordered* to be engrossed for a third reading.

Mr. Naper, from the select committee to which was referred a certain petition, reported a bill for "An act to locate a State road from Juliet, in Will county, to the Indiana State line;" which was twice read, and

Referred to the committee on State Roads.

Mr. Smith of Wabash, from the select committee to which was referred a bill for "An act to incorporate the Invincible Dragoons of the second division of Illinois militia," reported the same without amendment.

On motion of Mr. Hardin,

It was amended in the 11th section by striking out the words "third Monday in January," and inserting in lieu thereof, "20th February."

The question was taken—"Shall the bill pass?"

And decided in the affirmative.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the passage thereof, and ask their concurrence therein.

Mr. Stapp, from the select committee to which was referred a bill for "An act to legalize the sale of section sixteen, in township nine north, range two east, in Knox county," reported the same with an amendment; which was concurred in, and the bill passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

On motion of Mr. Allen of Franklin,

*Resolved by the House of Representatives*, That the committee on Manufactures and Agriculture be instructed to inquire into the expediency of so amending the law in relation to executions as to permit any person, being the head of a family and living with the same, to hold, free of execution, one horse of the value of forty dollars, or one yoke of oxen of equal value; and, also, so as to permit all mechanics to hold, free of execution, the necessary tools of their trade respectively; and that they report by bill or otherwise.

On motion of Mr. Ficklin,

The following preamble and resolution were adopted:

*Whereas*, by the fifteenth section of the eighth article of our State constitution, it is provided that "no person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors in such manner as shall be prescribed by law, or in cases where there is a strong presumption of fraud:

*And whereas*, by the first section of an act, entitled "An act concerning special bail," the arrest and imprisonment of debtors is authorized upon the bare affidavit of creditors, before the rendition of a judgment by which it may be ascertained whether the debtor has refused to surrender his property or has acted fraudulently in relation thereto:

*And whereas* there are many defects in said act concerning special bail: Therefore,

*Resolved by the House of Representatives*, That the committee on the Judiciary be instructed to inquire if the first section of the act aforesaid is in accordance with our State constitution, and if the same cannot be advantageously amended; and that they report by bill or otherwise.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have adopted the following resolutions, viz:

1. *Resolved by the Senate and House of Representatives of the State of Illinois*, That we view, with deep regret, the partiality exercised by the General Government, in causing the deposits of public moneys, collected in the State of Illinois, to be made in Banks without the same.

2. *Resolved*, That as citizens of Illinois, and representatives of the people thereof, we have confidence in the solvency and safety of our own banking institutions.

3. *Resolved*, That while we deplore the distracted condition of the

country, in relation to the vexed questions of policy and law as to the proper mode of safe-keeping of the revenues of the General Government, we cannot view with composure the continual drain upon our circulating medium, caused by the proceeds of sales of public lands being deposited in Banks of other States, thereby giving those Banks a decided advantage over our institutions and our citizens.

4. *Resolved*, That we have no hesitation in declaring that the policy and practice of depositing the revenues of the General Government, collected in this State, in the Bank of Missouri, is at war with our best interests; the more especially so since we see that the public moneys are still deposited in Banks to some extent.

5. *Resolved*, That we consider submission, on the part of our public functionaries in and out of Congress, to the practice of withdrawing from our State the revenues collected here, and depositing them to the support of another banking institution in a neighboring State, as a humiliating surrender of the rights of our citizens, and their claims to equal justice, protection, and support.

6. *Resolved*, That while we accord, most willingly and cheerfully, whatever advantages may arise to other States from the deposit of revenue collected therein, we are not willing to yield to them the advantages derived from revenue collected in our own.

7. *Resolved*, That our Senators be instructed, and our Representatives be requested, to use the influence which their station gives them, to change the present system of calling out of the State the revenues collected therein, no matter by what rule or regulation the same be countenanced and supported.

And then he withdrew.

Mr. Flood moved to lay the resolutions on the table; which was not agreed to.

When,

On motion of Mr. Thornton,

They were referred to a committee of the Whole House, and made the order of the day for Wednesday next.

Mr. Calhoun offered the following preamble and resolutions:

*Whereas*, by the act of Congress regulating the deposits of public money in the State Banks, approved June 23, 1836, it was provided that at least one bank should be selected in each State or Territory, if any such existed, willing to be employed as a depository of the public money:

*And whereas* there are two Banks in the State of Illinois, both of them solvent and safe, neither of which is now employed as the depository of the money of the General Government:

*And whereas* the money collected by the General Government in the State of Illinois is deposited in the State Bank of Missouri, to the great injury and oppression of the Banks and people of this State:

*Be it resolved by the House of Representatives*, That the President of the State Bank of Illinois, and the President of the Bank of Illinois, be requested to inform this House:

1st. Whether the Secretary of the Treasury of the United States ever applied to either of them to receive in deposite, in either of the aforesaid Banks, the public money collected in this State, or any part thereof

2d. Whether either of them ever applied to the Secretary of the Treas-

sure to have either of the aforesaid Banks made the depository of the public money collected by the General Government in the State of Illinois.

3d. Whether the said Banks, or either of them, have ever received in deposite, in full or in part, the money collected by the General Government in the State Illinois.

4th. Whether the said Banks have been so managed as to entitle them, under the requirements of the aforesaid deposite act, to the deposite of the money of the General Government collected in the State of Illinois.

5th. Whether they have applied to the Secretary of the Treasury to procure the deposite of the public money collected in this State, for the aforesaid Banks, since the resumption of specie payments by the said Banks.

6th. Whether the Secretary of the Treasury has refused to employ the said Banks, since the resumption of specie payments, as depositories of the public money, and on what grounds he has based said refusal.

7th. Whether either of the said Banks have issued or paid out notes of a less denomination than five dollars since the fourth day of July, 1836; and, if so, at what date they commenced such practice.

*Resolved*, That the Presidents of the two Banks aforesaid be requested to lay before this House all correspondence between the said Banks and the Secretary of the Treasury of the United States, on the subject of the deposite of the public money in the said Banks.

*Resolved*, That a copy of these resolutions be forwarded, by the Speaker of this House, to the President of the State Bank of Illinois and the President of the Bank of Illinois.

Which were read, and,

On motion of Mr. Thornton,

Referred to the same committee of the Whole House, to which were referred certain resolutions on the same subject from the Senate.

On motion of Mr. Lincoln,

The following additional rules of the House were adopted :

Rule No bill shall be committed or amended, on the question of its passage, except by the consent of two-thirds of all the members present.

Rule When any petition, remonstrance, or claim is presented by a member, and such member may not desire its reading he may make the motion to dispense with its reading, and ask its reference at the time of presentation; and the Chair may consider the motion as agreed to unless some member should object, and so state to the House.

On motion of Mr. Pace,

*Resolved*, That the committee on Finance, to which was referred a resolution in relation to increasing the capital stock of the Bank of Illinois, be instructed to inquire into the expediency of providing that a part of the increased capital be loaned to citizens of this State, the payment of which to be secured by mortgage upon unencumbered real estate lying in the State of Illinois.

On motion of Mr. Smith of Wabash,

His resolutions relative to the public depositories, together with the amendments proposed thereto by Mr. Walker of Vermilion, were taken up; and,



On motion of Mr. Thornton,

Referred to the same committee of the Whole House to which were referred certain resolutions on the same subject from the Senate.

The House then adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have passed a bill of the following title, viz: "An act to authorize committees of the General Assembly to swear witnesses."

In the passage of which they ask the concurrence of the House of Representatives.

They have also concurred with the House of Representatives in the passage of a bill of the following title, viz: "An act authorizing the Governor to commission the sheriff of Peoria county."

They have also adopted the following preamble and resolution:

*Whereas* there is a large quantity of unsurveyed land lying within the military tract in this State, all of which is now occupied by industrious and actual settlers, whose interest, as well as the interest of the State and the General Government, requires that those lands should be surveyed and brought into market: Therefore,

*Resolved by the Senate, the House of Representatives concurring herein,* That our Senators in Congress be instructed, and our Representatives be requested, to procure the passage of a law to provide for the surveying and selling the aforesaid lands.

In the adoption of which they ask the concurrence of the House of Representatives. And then he withdrew.

Mr. Emmerson asked and obtained leave to introduce a bill for "An act to authorize Ezra Baker, jr. and Henry I. Mills, to erect a mill-dam across the Little Wabash river;" which was read the first time, and

*Ordered* to a second reading.

Mr. Henderson, from the committee on Enrolled Bills, reported that they had this day laid before the Council of Revision, bills and resolutions of the following titles:

"An act to vacate the plat of the town of Peru, in the county of McLean;"

"An act to repeal part of an act, entitled 'An act to provide for the sale of certain canal lands, and for other purposes;'"

A resolution in relation to unsurveyed lands in Illinois;

A resolution in relation to granting pre-emption rights;

A resolution asking of Congress a bounty to soldiers of the late war; and

A resolution for the establishment of a mail route from Carlyle to the mouth of the Ohio.

The bill from the Senate for "An act to authorize committees of the General Assembly to swear witnesses," was twice read, and

*Ordered* to a third reading.

On motion of Mr. Lincoln,

The rule of the House was dispensed with, and the bill was read a third time and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the concurrence of this House therein.

The resolution of the Senate as to the unsurveyed lands in the military tract, was taken up and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The bills from the Senate, entitled

"An act to amend 'An act to incorporate the Mississippi and Rock River Canal Company;'"

"An act to change the name of the town of Geneva, in the county of Warren;" and

"An act further amending the act, entitled 'An act to provide for the election of justices of the peace and constables,' approved December 30, 1826;"

Were severally read a third time and passed.

*Ordered*, That the titles thereof be as aforesaid, and that the Clerk inform the Senate of the concurrence of the House therein.

The bill for "An act to improve the navigation of the Embarrass river," was read a second time, and,

On motion of Mr. Alexander,

Referred to a select committee.

*Ordered*, That Messrs. Alexander, Ficklin, and Dubois, be that committee.

The bill for "An act to amend the several acts concerning justices of the peace and constables," was read a second time.

Mr. Pace moved to amend.

Mr. Henderson moved to refer the bill to the committee on the Judiciary.

The question was taken—"Shall the bill be so referred?"

And decided in the affirmative.

And then the House adjourned.

## MONDAY, JANUARY 7, 1839.

House met pursuant to adjournment.

On motion of Mr. Lincoln,

Leave of absence was given to David Prickett, Clerk.

Mr. Henderson, from the committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles:

"An act legalizing process issued by judges and justices of probate;" and

"An act to amend the act, entitled 'An act for the relief of Nathaniel Pope and others,' approved July 21, 1837."

Mr. Flood, from the committee on Engrossed Bills, reported, as correctly Engrossed, bills of the following titles, viz:

"An act to authorize Thomas Reynolds and Elisha Seymour to build a

toll-bridge across the Kaskaskia river, at Farmington, in the county of St. Clair;"

"An act to incorporate the Illinois Mutual Fire Insurance Company;"

"An act to increase the number of justice's districts in the county of Greene;"

"An act in relation to the records of Johnson county;"

"An act to change the name of the town of Vienna;"

"An act to authorize Reuben and Sullivan L. Haines to raise a mill-dam across the Mackinaw river;"

"An act to change the name of the town of Fairfield, in Adams county;"

A bill for "An act to amend an act, entitled 'An act prescribing the mode of summoning grand and petit jurors, and defining their qualifications and duties;' and

"An act to amend an act, entitled 'An act concerning judgments and executions,' approved January 17, 1825."

Mr. Lincoln presented the petition of sundry citizens of Sangamon county, praying the repeal of all laws in relation to a State road from William Crow's, in Morgan county, to Musick's bridge, in Sangamon county; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Lincoln, Dawson, and Hull, be that committee.

Mr. Churchill presented the petition of sundry citizens of the town of Charleston, praying the change of the name of said town to that of St. Charles; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Churchill, Murphy of Cook, and Compher, be that committee.

Mr. Cloud presented the petition of sundry citizens of Manchester, praying for the right to elect a constable in the corporation of said town; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Cloud, Happy, and Gilham, be that committee.

Mr. Calhoun presented the petition of sundry citizens of Sangamon county, for a division of said county; which, on his motion, was referred, without reading, to the committee on Counties.

Mr. Kent presented the petition of Adam Vroman, for a divorce; which, on his motion, was referred, without reading, to the committee on the Judiciary.

Mr. Stapp presented the petition of sundry citizens of Knox county, praying for a review of a part of a State road therein named; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Stapp, Edmonston, and Williams, be that committee.

Mr. Green of Clay presented the petition of sundry citizens of Jefferson, Wayne, and Clay counties, for a State road; which, on his motion, was referred, without reading, to the committee on State Roads.

Mr. Murphy of Perry presented a petition of Eliza Lakin, of Perry

county, for a divorce; which was read, and referred to a select committee

*Ordered*, That Messrs. Murphy of Perry, Jones, and Thomas of St. Clair, be that committee.

Mr. Roman presented the petition of sundry citizens of St. Clair county, praying the relocation of part of the State road between Lebanon and Wiggins' ferry; which, on his motion, was referred, without reading, to the committee on State Roads.

Mr. Robert Smith presented the petition of A. M. K. Groves and others, praying relief; which, on his motion, was referred, without reading, to the committee on Claims.

Mr. Ficklin, from the committee on Education, to which was referred a bill for "An act making the office of school commissioner elective by the people," reported the same without amendment.

*Ordered* to be engrossed for a third reading.

Mr. Ficklin, from the committee on Education, to which was referred a resolution relative to the location of a seat for a State college, reported adversely thereto.

The question was put—"Will the House concur with the committee?" And decided in the affirmative.

Mr. Webb of White, from the committee on the Judiciary, to which was referred the bill for "An act to amend an act, entitled 'An act to incorporate the Canton College of Illinois,'" reported the same with sundry amendments; which were read and concurred in.

The question was put—"Shall the bill pass as amended?"

And decided in the affirmative.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk inform the Senate of the passage thereof, and ask their concurrence therein.

Mr. Ficklin, from the committee on the Judiciary, to which was referred the bill for "An act supplemental to an act, entitled 'An act to regulate the action of replevin,' approved Jan. 29, 1827," reported the same without amendment:

When,

On motion of Mr. Churchill,

It was referred to a select committee.

*Ordered*, That Messrs. Churchill, Hardin, and Henderson, be that committee.

Mr. Pace, from the select committee to which was referred a certain petition, reported a bill for "An act to relocate a part of the State road from Mount Vernon to Nashville;" which was twice read, and,

On motion of Mr. Crain,

Referred to a select committee.

*Ordered*, That Messrs. Crain, Pace, and Murphy of Perry, be that committee.

On motion of Mr. French,

*Resolved*, That the committee on Manufactures and Agriculture be instructed to inquire into the expediency of authorizing the Governor to employ some suitable and competent person to make a geological survey of this State; and that they report by bill or otherwise.

On motion of Mr. Jones,

*Resolved*, That the committee on Internal Improvements be instructed

to inquire into the expediency of constructing a railroad or turnpike road, from some point on the Central railroad to the Mississippi river, at Chester.

On motion of Mr. Alexander,

*Resolved*, That the committee on the Judiciary be instructed to inquire whether any, and, if any, what amendments are necessary to be made in the act, entitled "An act to provide for the election of probate justices of the peace and defining their duties;" and that said committee be required to report by bill or otherwise.

A message from the Council of Revision, by Mr. McLean, their Secretary:

*Mr. Speaker*: The Council of Revision have approved "An act to repeal part of an act, entitled 'An act to provide for the sale of certain canal lands, and for other purposes.'" And then he withdrew.

On motion of Mr. Daley,

*Resolved*, That the committee on the Judiciary be instructed to examine into and report to this House, whether any law has ever been passed providing for the election of a circuit judge in the seventh judicial circuit, and defining his duties.

Mr. Walker of Vermilion offered the following resolution for adoption, viz:

*Resolved*, That a select committee of five be appointed to inquire into and report to this General Assembly the number of corporations which have been created by the Legislature since the adoption of the State constitution, the number which have expired, the number which have forfeited their charters, and such other information as said committee shall deem necessary in relation thereto; which was not agreed to.

On motion of Mr. Flood,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the propriety of abolishing the office of recorder after the expiration of the term for which the present recorders are elected, and requiring the duties now performed by the recorder to be performed by the clerks of the county commissioners' courts of the respective counties; and that they report by bill or otherwise.

On motion of Mr. English,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency and propriety of passing a law imposing a fine on circuit judges for neglecting to hold courts in the several counties according to the law fixing the time of holding courts in the several counties of this State; and that they report by bill or otherwise.

On motion of Mr. Murphy of Vermilion,

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of so amending the revenue law as to authorize the sheriffs of the several counties to call upon the tax-payers to meet them at the different places of holding elections for justices of the peace and constables, for the purpose of receiving their tax, under such conditions and restrictions as to said committee may seem just and equitable.

On motion of Mr. Johnson,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of the passage of a law authorizing the school commissioners to collect interest before justices of the peace in all cases

where the principal shall exceed one hundred dollars, and the interest shall not exceed one hundred dollars; also to authorize the said commissioner to take the acknowledgment of all mortgages, and administer all oaths which may be necessary to the management of said office; and that they have leave to report by bill or otherwise.

Mr. McCutchen asked and obtained leave to introduce a bill for "An act supplemental to an act, entitled 'An act concerning judgments and executions;'" which was twice read, and, on his motion, referred to the committee on Manufactures and Agriculture.

Mr. Edmonston, on leave given, introduced a bill for "An act to amend an act, supplemental to 'An act for raising a revenue;'" which was twice read, and, on his motion, referred to the committee on Finance.

Mr. Menard, on leave given, introduced a bill for "An act for the relief of the heirs of John Thompson, deceased;" which was read the first time, and

*Ordered* to a second reading.

Mr. McMillan, on leave given, introduced a bill for "An act to authorize the Board of Public Works to survey and construct the continuation of certain railroads within the State of Indiana;" which was twice read, and, on his motion, referred to the committee on Internal Improvements.

Mr. Murphy of Cook presented a remonstrance from sundry citizens of McHenry county, against the annexation of any part of said county to the county of Boone; which, on his motion, was referred, without reading, to the committee on Counties.

Mr. Murphy of Cook presented the petition of William Jackson, of McHenry county; which was read, and, on his motion, referred to the committee on Claims.

Mr. Murphy of Cook presented the petition of sundry citizens of Cook county, praying for sundry alterations in the existing laws; which, on his motion, was referred, without reading, to the committee on the Judiciary.

The bill from the Senate, entitled "An act to amend an act, entitled 'An act prescribing the mode of proceeding in chancery,'" was read a third time and passed.

*Ordered*, That the title of the bill be as aforesaid.

The bill from the Senate, entitled "An act to vacate the survey and plat of Garrett's addition to the town of Peoria, and also to vacate the plat of the town of Hudson," was read a third time and passed.

On motion of Mr. Williams,

The title of said bill was amended by adding thereto the words "and for other purposes."

*Ordered*, That the title be as amended.

*Ordered*, That the Clerk inform the Senate of the concurrence of the House in the passage of the said two bills, and ask their concurrence in the amendment of the House to the title of the latter bill.

The engrossed bills, entitled

"An act to authorize Thomas Reynolds and Elisha Seymour to build a toll-bridge across the Kaskaskia river, at Farmington, in the county of St. Clair;"

"An act to incorporate the Illinois Mutual Fire Insurance Company;"

"An act to increase the number of justice's districts in the county of Greene;"

"An act in relation to the records of Johnson county;"

"An act to change the name of the town of Vienna;"

"An act to authorize Reuben and Sullivan L. Haines to raise a mill-dam across the Mackinaw river;"

"An act to change the name of the town of Fairfield, in Adams county;" and

"An act to amend an act, entitled 'An act concerning judgments and executions,' approved Jan. 17, 1825;"

Were severally read a third time and passed.

*Ordered*, That the titles of the bills be as aforesaid, that the Clerk inform the Senate of the passage thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act to amend an act, entitled 'An act prescribing the mode of summoning grand and petit jurors, and defining their qualifications and duties,'" was read a third time.

Mr. Dubois moved to lay it on the table until the fourth of July; which was not agreed to.

On motion of Mr. Lincoln,

The rule was dispensed with, and the bill referred to a select committee of five.

*Ordered*, That Messrs. Lincoln, Harris, Huey, Walker of Vermilion, and Murphy of Perry, be that committee.

The bill for "An act to authorize Ezra Baker, jr. and Henry I. Mills to erect a mill-dam across the Little Wabash river," was read a second time, and,

On motion of Mr. Green of Clay,

Referred to the committee on Internal Improvements.

On motion of Mr. Flood,

Mr. Henderson was excused from serving on the committee upon Enrolled Bills.

And then the House adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Gouge, from the committee on Enrolled Bills, reported, as correctly enrolled, a bill, entitled "An act to authorize committees of the General Assembly to swear witnesses."

On motion of Mr. Lincoln,

The House resolved itself into a committee of the Whole, upon the bill from the Senate for "An act making an appropriation for the completion and furnishing of the State house at Springfield." After some time spent therein, the Speaker resumed the chair, and

Mr. Henderson reported that the committee of the Whole House had,

according to order, had said bill under consideration, and directed him to report the same back to the House without amendment.

Mr. Ficklin moved to amend the bill as follows, by adding to the first section the following proviso, viz :

*"Provided, That this act shall be null and void unless the sum of one hundred and twenty-eight thousand dollars be donated by individuals and secured by bonds and security, to be approved of by the Governor, and made payable to the State Treasurer, to become due in one, two, and three years; which bonds shall be executed and filed with the State Treasurer, on or before the first day of May next; and which donation is especially designed to meet the appropriation hereinbefore made, and shall be applied exclusively and immediately to that object."*

And, also, by adding an additional section, viz :

**"SEC. 7.** That at the election to be holden on the first Monday in August, 1840, it shall be the duty of the judges of elections throughout this State to open a poll for the removal of the seat of Government; and every individual, who is legally qualified to vote for members of the General Assembly, shall have the privilege of voting for or against the removal of the seat of Government to Springfield; and if a majority of all the legal voters of Illinois, voting at said election, shall vote in favor of the removal of the seat of Government to Springfield, that then the result of said vote shall be deemed and considered as a pledge on the part of the State to reimburse all moneys expended in the construction of the State house at Springfield."

Mr. Happy moved that the House adjourn; which was not agreed to.

Mr. English moved that the House adjourn until Wednesday, 10 o'clock, A. M.; which was not agreed to.

Mr. Carpenter moved to amend the amendment, by striking out the words "all moneys expended," and inserting "the moneys hereby appropriated."

Mr. Webb of Alexander moved that the House adjourn; which was not agreed to.

Mr. Edmonston moved that the House adjourn until Wednesday, 10 o'clock, A. M.; which was not agreed to.

The question was then taken on Mr. Carpenter's amendment, and decided in the affirmative.

The question recurring upon Mr. Ficklin's amendment as amended,

It was decided in the negative, by yeas and nays, upon the call of Messrs. Hankins and Ficklin, as follows, viz :

Those who voted in the affirmative, are,

Messrs. Alexander, Carpenter, Compher, Copeland, Cunningham, Emerson, Ficklin, Fisk, Foster, French, Green of Clay, Hankins, Happy, Houston, Huey, Johnson, Maus, Morgan, Pace, Robinson, Roman, Stapp, Thomas of St. Clair, Walker of Vermilion, Wood, and Mr. Speaker—  
26.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Franklin, Allen of Greene, Archer, Baker, Bainbridge, Brown, Calhoun, Churchill, Cloud, Craig, Crain, Daley, Dawson, Dubois, Dunn, Edmonston, Edwards, Elkin, Elliott, English, Flood, Gilham, Gouge, Green of Greene, Hardin, Harris, Henderson, Henry, Holmes,



Hull, Jarrott, Jones, Kent, Kerr, Lincoln, Logan, McCormick, McCutchen, McMillan, McWilliams, Menard, Moore, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Philips, Rawalt, Read, Roberts, Smith of Wabash, George Smith, Robert Smith, Thomas of McLean, Thornton, Walker of Fulton, Webb of Alexander, Webb of White, Williams, and Zimmerman—62.

Mr. Moore moved to amend the bill by striking out the words "one hundred and twenty-eight thousand three hundred," in the first section, and inserting "seventy-five thousand."

Mr. Walker of Fulton moved that the House adjourn; which was not agreed to.

Mr. Harris called for a division of the question.

The question was then taken on striking out, and decided in the negative.

Mr. Hankins moved to amend the bill by striking out all after the enacting clause, and inserting the following, viz:

"That the Governor of the State of Illinois, on behalf of the people of said State, be required to reconvey, and he is hereby empowered and authorized to reconvey, to the county commissioners' court of Sangamon county, for the use of the people of said county, all that piece or parcel of ground, situate, lying and being in the town of Springfield, county of Sangamon, and State of Illinois, aforesaid, known as the "Public square," containing two and a half acres, more or less. And that all bonds which may have been executed in pursuance of the provisions of the act aforesaid to the Treasurer of the State, for the amount of a donation required by the fourth section of said act, be and the same are hereby cancelled, and forever rendered null and void.

SEC. 2. That at the next general election to be held in the several counties of this State for members of the Legislature, there shall be opened, at such place or places of voting, a book in which shall be entered the votes of the qualified electors in favor of such places as they may prefer for the permanent location of the seat of Government of this State, after the expiration of the time prescribed by the Constitution for its remaining at Vandalia.

SEC. 3. Said election shall be conducted in all respects as elections are required for Governor and Lieutenant Governor of this State, by the same officers, and returns thereof made to the office of Secretary of State, in the same manner; which returns shall be laid before the General Assembly at its next regular session.

SEC. 4. When the returns shall be so made, the five points or places receiving the highest number of votes shall be again voted for at such time as may be fixed upon by an act of the Legislature then in session. The returns of which election shall be made to the Secretary of State, as herein required. Whereupon, the said Secretary shall notify the Governor, who, together with the Auditor and Treasurer of State, or a majority of them, shall proceed to count the votes given to each of the five places or points voted for as aforesaid; and, if it shall appear that no one point or place shall have received a majority of all the votes given, it shall then be made the duty of the said Governor to cause to be published in each of the public newspapers of this State the result thereof; and thereupon, immediately direct, by proclamation, another election to be

held, within six months thereafter, between the three highest points or places aforesaid. Said election to be conducted in all respects and returns made as prescribed as aforesaid.

SEC. 5. If, after this last election, it shall appear that neither of the points aforesaid shall have received a majority of all the votes given—the returns having been made, the votes counted, as required in the last section, and publication of the result made as therein prescribed—the said Governor shall again issue his proclamation, directing an election to be held, within six months thereafter, between the two highest points or places voted for.

SEC. 6. When it is ascertained in the manner provided for as aforesaid, what place has received a majority of all the votes polled or given in the State for the seat of Government thereof, it shall then be made the duty of the said Governor, or person administering the Government of Illinois, to issue his proclamation setting forth the fact, and ordering and declaring that the place or point so receiving the highest number of votes shall forever be and remain the seat of Government for the people of the State of Illinois.

Mr. Happy moved that the House adjourn; which was not agreed to.

Mr. Walker of Vermilion moved that the House adjourn until Wednesday morning, 10 o'clock; which was not agreed to.

Mr. Thomas of St. Clair moved to lay the bill and proposed amendments on the table; which was decided in the negative.

Mr. Logan moved the previous question:

When,

On motion of Mr. Hardin,

The House adjourned.

## TUESDAY, JANUARY 8, 1839.

House met pursuant to adjournment.

Mr. Speaker appointed Mr. Flood a member of the committee on Enrolled Bills, in place of Mr. Henderson, excused.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed to inform the House of Representatives that the Senate have concurred with them in the passage of a bill of the following title, viz: "An act making an appropriation for the Penitentiary."

They have also concurred with the House of Representatives in the passage of the bill for "An act, entitled 'An act to provide for the collection of demands growing out of contracts for sales of the possession of the public lands,' as amended by them.

In which amendment they ask the concurrence of the House of Representatives. And he withdrew.

Mr. Lincoln moved that the House adjourn; not agreed to.

Mr. Churchill moved to dispense with the rule, for the purpose of introducing a resolution; which was not agreed to.

The question pending at the adjournment of the House on yesterday, being upon the motion of Mr. Hankins, to amend the bill for "An act

making an appropriation for the completion of the State house at Springfield," again coming up for consideration,

Mr. Logan withdrew his motion for the previous question:

When,

On motion of Mr. Rawalt,

The House adjourned.

### WEDNESDAY, JANUARY 9, 1839.

House met pursuant to adjournment.

Mr. Flood, from the committee on Enrolled Bills, reported that, on Monday last, they laid before the Council of Revision the following bills, viz:

"An act legalizing process issued by judges and justices of probate;"

"An act to amend an act, entitled 'An act for the relief of Nathaniel Pope and others,' approved July 21, 1837;" and

"An act authorizing committees of the General Assembly to swear witnesses."

The question pending at the adjournment of the House on yesterday, being upon the motion of Mr. Hankins, to amend the bill for "An act making an appropriation for the completion and furnishing of the State house at Springfield," again coming up for consideration,

It was decided in the negative, by yeas and nays, upon the call of Messrs. Hankins and Ficklin, as follows, viz:

Those who voted in the affirmative, are,

Messrs. Alexander, Carpenter, Compher, Copeland, Cunningham, Emerson, Ficklin, Fisk, Foster, Green of Clay, Hankins, Happy, Houston, Huey, Johnson, Maus, Morgan, Pace, Robinson, Roman, Thomas of St. Clair, Walker of Vermilion, Wood, and Mr. Speaker—24.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Franklin, Allen of Greene, Archer, Brown, Calhoun, Churchill, Cloud, Craig, Crain, Daley, Dawson, Dubois, Dunn, Edmonston, Edwards, Elkin, Elliott, English, Flood, French, Gilham, Gouge, Green of Greene, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Jones, Kent, Lincoln, Logan, McCutchen, McWilliams, McMillan, Menard, Moore, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Rawalt, Read, Roberts, Smith of Wabash, G. Smith, R. Smith, Stapp, Thomas of McLean, Thornton, Webb of Alexander, Webb of White, Williams, and Zimmerman—58.

Mr. Thomas of St. Clair moved to lay the bill on the table; not agreed to.

Mr. Hankins moved to amend, by striking out all after the enacting clause, and inserting the following, to wit:

"That there shall be elected, by a joint vote of the Senate and House of Representatives, at the present session, one commissioner from each judicial circuit in this State, whose duty shall be to assemble at the town of Decatur, in Macon county, in this State, on the first Monday in the month of June next, or within sixty days thereafter; and after taking an oath be-

fore some judge or justice of the peace, honestly, faithfully, and impartially to do and perform all things required of them under the provisions of this act, for the sole and exclusive interest, benefit, and advantage of the State, they shall proceed to purchase or procure a suitable site, and locate a permanent seat of Government of this State.

SEC. 2. The commissioners appointed as aforesaid shall first be required to select the site aforesaid on the lands of the United States, and to purchase the same; and for which purpose they are hereby authorized to draw on the Auditor of Public Accounts for the amount of the purchase money, and it shall be the duty of the Auditor to draw his warrant on the Treasury for the same, and which shall be paid out of the Treasury, out of any moneys not otherwise appropriated.

SEC. 3. If, in the opinion of the said commissioners, the most suitable site cannot be located on the lands of the United States, it shall be their duty to purchase from an individual or individuals such a quantity of land as they may deem necessary; provided, however, that, if any individual, owner or owners of the land so selected, shall refuse to sell or shall ask an exorbitant price, then it shall be the duty of the said commissioners to select some other lands on the best terms they can, and draw upon the Auditor of Public Accounts for the amount, which shall be paid out of the Treasury, as provided in the second section of this act. And provided, also, that the quantity of land so to be purchased shall not be less than six hundred and forty acres.

SEC. 4. After the commissioners aforesaid shall have selected the lands and permanently located the site for the seat of Government, and procured the same by purchase or by donation from the owners, they shall make out a report thereof, under their hands and seals, in duplicate, one of which they shall return to the Auditor of Public Accounts to be filed in his office, and the other to the Governor, who shall cause it to be filed in the office of the Secretary of State.

SEC. 5. There shall be elected, by a joint vote of the Senate and House of Representatives, at the present session of the General Assembly, three other commissioners, whose duty it shall be, after being notified by the Governor that the site for the permanent seat of Government has been selected according to the preceding sections of this act, to enter into bond with one or more securities, to be approved by the Governor, in the sum of twenty thousand dollars each, conditioned for the faithful discharge of the duties required of them, and for the faithful accounting for and paying over the moneys which shall come into their hands under the provisions of this act; and having taken an oath or affirmation before some judge or justice of the peace, faithfully to perform the duties required of them by law, they shall proceed to lay off a city at the place selected as aforesaid, on the most approved plan; and they shall give to the said city such appropriate name as they and the Governor shall agree upon; and they shall make and certify five copies of the plat thereof, one of which shall be filed in the Auditor's office, one in the office of the Secretary of State, one in the office of the Recorder of the county, and the other two they shall retain.

SEC. 6. It shall be the duty of the said three commissioners, after they shall have laid off the lots and returned the plats aforesaid, to advertise and sell, from time to time, such of the said lots as they shall agree upon.

The advertisements shall be published in such newspapers in the State and such other places in the United States as they may choose, at least three months before the day of sale. Such sale may be made upon a credit of one, two, and three years, upon the purchaser giving to the commissioners their notes, with security to be approved by the commissioners, for each instalment; which said notes shall be made payable and negotiable at the State Bank of Illinois or either of its branches, or at the Bank of Illinois or either of its branches; and when such sale shall be made and the notes given, the commissioners shall give to the purchaser a certificate thereof; and when the whole of the purchase money shall be paid, the said commissioners shall, on the delivery of the said certificate, make and deliver to the said purchaser or their legal representative a deed of conveyance for such lot, which shall vest in such person all the title of this State in and to such lot. And it shall be lawful for the said commissioners to negotiate the said notes or bonds with the said Banks or their branches, to raise funds for the purposes hereinafter mentioned.

SEC. 7. It shall be the duty of the said three commissioners to deposit monthly in one of the Banks aforesaid, or in their branches, all money which they shall receive from the sale of lots, except such as may be allowed them by the Auditor of Public Accounts for the payment of expenses incurred; and it shall, also, be their duty to report to the Auditor, monthly, the amount of money received by them, the amount deposited in Bank, and the amount retained by them for compensation and payment of expenses. They shall have power to employ a skillful surveyor and such assistants as they may deem necessary, and to allow and pay them such reasonable compensation as they shall agree upon.

SEC. 8. It shall be the duty of the said three commissioners, after they shall receive a sufficient amount of funds from the sale of lots or from the sale of the notes or bonds, to proceed to construct a State house on the public square in the city, on such plan and dimensions as they, together with the Governor, shall determine; and it shall be lawful for the said commissioners to draw checks or drafts upon the said Banks where they may have funds deposited, to defray the expenses of the building aforesaid, and for such contingent expenses as they may deem proper and right to allow—an account of which they shall monthly report to the Auditor of Public Accounts.

SEC. 9. It shall be the duty of the Governor, after the first Monday in December, in the year 1840, when he shall be informed that the State house shall be sufficiently prepared, to issue his proclamation declaring the same, and fixing a time for the removal of the seat of Government thereto; and requiring all persons to observe the same.

SEC. 10. Each of the commissioners to be elected under the provisions of this act shall receive four dollars a day, for each day necessarily engaged in the duties required of them by this act, to be paid out of the Treasury, out of any moneys not otherwise appropriated, upon the warrant of the Auditor."

The question was taken by yeas and nays, on the call of Messrs. Hankins and Rawalt, and decided in the negative, as follows, viz:

Those who voted in the affirmative, are,

Messrs. Alexander, Carpenter, Compher, Copeland, Emmerson, Ficklin, Fisk, Foster, Greene of Clay, Hankins, Happy, Houston, Huey, John-

son, Maus, Morgan, Pace, Robinson, Roman, Thomas of St. Clair, Walker of Vermilion, Wood, and Mr. Speaker—23.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Brown, Calhoun, Churchill, Cloud, Craig, Crain, Daley, Dawson, Dubois, Dunn, Edmonston, Edwards, Elkin, Elliott, English, Flood, French, Gilham, Gouge, Green of Greene, Hardin, Harris, Henderson, Henry, Holmes, Hull, Jarrott, Jones, Kent, Lincoln, Logan, Lyons, McCormick, McCutchen, McMillan, McWilliams, Menard, Moore, Murphy of Cook, Murphy of Perry, Naper, Otwell, Philips, Rawalt, Read, Roberts, Smith of Wabash, G. Smith, R. Smith, Stapp, Thomas of McLean, Thornton, Webb of Alexander, Webb of White, Williams, and Zimmerman—61.

Mr. Green of Clay moved to amend the first section, by adding, at the end thereof, the following proviso:

*“Provided, That at the election to be holden on the first Monday of August next, in the several counties of this State, a poll shall be opened, in which the people shall be permitted to vote for or against the appropriation herein made; and if a majority of all the qualified voters, voting at said election, shall vote against said appropriation, then and in that case the law shall be held to be void and of no effect; but, if a majority shall vote for said appropriation, then the public buildings shall proceed as though no vote had been taken.”*

The question was taken by yeas and nays, on the call of Messrs. Green and Hankins, and decided in the negative.

Those who voted in the affirmative, are,

Messrs. Alexander, Carpenter, Compher, Copeland, Cunningham, Emerson, Ficklin, Fisk, Foster, French, Green of Clay, Hankins, Houston, Huey, Johnson, Maus, Morgan, Pace, Robinson, Roman, Thomas of St. Clair, Walker of Vermilion, and Mr. Speaker—23.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Franklin, Allen of Greene, Archer, Baker, Bainbridge, Brown, Calhoun, Churchill, Cloud, Craig, Crain, Daley, Dawson, Dubois, Dunn, Edmonston, Edwards, Elkin, Elliott, English, Flood, Gilham, Gouge, Green of Greene, Happy, Hardin, Harris, Henderson, Henry, Holmes, Hull, Jarrott, Jones, Kent, Lincoln Logan, Lyons, McCormick, McCutchen, McWilliams, McMillan, Menard, Moore, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Philips, Rawalt, Read, Roberts, Smith of Wabash, G. Smith, R. Smith, Stapp, Thomas of McLean, Thornton, Webb of Alexander, Webb of White, Williams, and Zimmerman—63.

Mr. Williams moved the previous question.

Upon the question—“Shall the main question be now put?”

It was decided in the affirmative.

The question was then taken on ordering the bill to a third reading, and decided in the affirmative, by yeas and nays, on the call of Messrs. Walker of Vermilion and Rawalt.

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Franklin, Allen of Greene, Archer, Baker, Bainbridge, Brown, Calhoun, Churchill, Cloud, Craig, Crain, Daley, Dawson, Dubois, Dunn, Edmonston, Edwards, Elkin, Elliott, English, Flood,

Gilham, Gouge, Green of Greene, Hardin, Harris, Henderson, Holmes, Hull, Jarrott, Jones, Kent, Lincoln, Logan, Lyons, McCormick, McCutchen, McMillan, McWilliams, Menard, Moore, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Philips, Rawalt, Read, Roberts, Smith of Wabash, G. Smith, R. Smith, Stapp, Thomas of McLean, Thornton, Walker of Fulton, Webb of Alexander, Webb of White, Williams, and Zimmerman—62.

Those who voted in the negative, are,

Messrs. Alexander, Carpenter, Compher, Copeland, Cunningham, Emerson, Ficklin, Fisk, Foster, French, Green of Clay, Hankins, Happy, Henry, Houston, Huey, Johnson, Maus, Morgan, Pace, Robinson, Roman, Thomas of St. Clair, Walker of Vermilion, Wood, and Mr. Speaker—26.

Mr. Happy presented a petition of sundry citizens of Morgan county, praying the construction of a turnpike road from Winchester, Morgan county, to Augusta, Pike county; which, on his motion, was referred, without reading, to the committee on Internal Improvements.

Mr. R. Smith presented the petition of Abraham Prewit and other trustees of township six north, range eight west, praying relief; which was, on his motion, referred, without reading, to a select committee.

*Ordered*, That Messrs. R. Smith, G. Smith, and English, be that committee.

Mr. Williams presented a petition of sundry inhabitants of Quincy, for the appointment of Wm. Darling, State's Attorney; which was read, and, on his motion,

Laid on the table.

Mr. Cloud presented a petition of sundry citizens of Morgan county, asking a change in a certain State road therein named; which was, on his motion, referred, without reading, to a select committee.

*Ordered*, That Messrs. Cloud, Gilham, and Happy, be that committee.

Mr. English presented a petition of John Huett, and a petition of sundry citizens in his behalf; which, on his motion, were referred, without reading, to the committee on Claims.

Mr. Fisk presented a petition of the citizens of Montgomery county, praying the formation of a new county; which, on his motion, was referred, without reading, to the committee on Counties.

Mr. Calhoun presented a petition of citizens of Sangamon and Macoupin counties, praying for the location of a State road.

On motion of Mr. Harris,

It was referred, without reading, to a select committee.

*Ordered*, That Messrs. Harris, Fisk and McCormick, be that committee.

Mr. Calhoun presented an additional petition of citizens of Sangamon county, praying for a division of said county; which, on his motion, was referred, without reading, to the committee on Counties.

Mr. Murphy of Cook presented a petition of sundry citizens of McHenry, Boone, and Winnebago counties, praying the location of a State road; which, on his motion, was referred, without reading, to the committee on State Roads.

Mr. Aldrich presented petitions from sundry citizens of Hancock county, praying for the repeal of all laws licensing the retailing of intoxicating liquors; which, on his motion, was referred, without reading, to the committee on the Judiciary.

Mr. R. Smith presented a petition of sundry citizens of the city of Alton, praying an alteration in the bounds of said city; which, on his motion, was referred to the same select committee to which was referred another petition on the same subject.

Mr. Murphy of Cook presented a petition of sundry citizens of McHenry county, against the division of said county; which, on his motion, was referred, without reading, to the committee on Counties.

Mr. Johnson presented a petition for the relief and benefit of the heirs of David H. Mills, deceased; which, on his motion, was referred, without reading, to the committee on the Judiciary.

Mr. Johnson presented a petition from sundry citizens of Bond county, praying the repeal of the license law authorizing the retailing of spirituous liquors; which was read, and, on his motion, referred to the committee on the Judiciary.

Mr. Fisk presented a petition of sundry citizens of Montgomery county, praying the alteration of a State road therein named; which, on his motion, was referred, without reading, to the committee on State Roads.

Mr. Hull presented a petition of sundry citizens of Tazewell county, praying for the repeal of the license law; which, on his motion, without reading, was referred to the committee on the Judiciary.

Mr. Smith of Wabash, from the select committee to which was referred a petition of sundry citizens of Wabash county, praying the passage of a law to declare a certain road a State road, reported a bill for "An act to declare a road from Mount Carmel to Lawrenceville a State road;" which was read, and

*Ordered* to a second reading.

Mr. Churchill, from the select committee to which was referred a certain petition, reported a bill for "An act to change the name of the town of Charleston, in the county of Kane, to that of St. Charles;" which was read twice, and

*Ordered* to be engrossed for a third reading.

Mr. Murphy of Perry, from the select committee to which was referred the petition of Eliza Lakin, reported a bill for "An act to divorce Eliza Lakin;" which was read twice.

Mr. Williams moved to amend the bill by adding an additional section, viz:

"SEC. 3. That the bands of matrimony be dissolved between Ebenezer Harkness and Sarah, his wife."

On motion of Mr. Murphy of Vermilion,

The bill and proposed amendment were referred to the committee on the Judiciary.

Mr. Morgan, from the select committee to which was referred the petition of John Coleman, reported a bill for "An act for the relief of the infant heirs of Robert Coleman, deceased;" which was read, and

*Ordered* to a second reading.

Mr. Cloud, from the select committee to which was referred the petition of sundry citizens of Morgan county, for a change in a State road



reported a bill for "An act to change a part of a State road therein named;" which was read, and

*Ordered* to a second reading.

Mr. Cunningham, from the select committee to which was referred the petition of Louisiana Stephenson, reported a bill for "An act to divorce and change the name of Louisiana Stephenson;" which was read, and

*Ordered* to a second reading.

The House then adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

And on motion,

The House then adjourned.

THURSDAY, JANUARY 10, 1839.

House met pursuant to adjournment.

Mr. Flood, from the committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles, viz:

"An act to authorize the Governor to commission the sheriff of Peoria county;"

"An act making an appropriation for the Penitentiary;"

"An act to change the name of the town of Geneva, in the county of Warren;"

"An act to amend an act to incorporate the Mississippi and Rock River Canal Company;"

"An act to incorporate the Mechanic Association and Galena Beneficial Society;"

"An act legalizing the assessment of the property taken in the county of Peoria for 1838;"

"An act to amend an act, entitled 'An act to prevent trespasses by cutting timber,' approved Feb. 27, 1819;"

"An act to provide for settling the accounts between the State and the Illinois and Michigan canal;"

"An act in relation to the town of Bloomington;"

"An act for amending the act, entitled 'An act to provide for the election of justices of the peace and constables,' approved December 30, 1826;" and

Also a preamble and resolution relative to surveying and sub-dividing township 5 north, range 14 west.

Mr. Murphy of Cook presented a remonstrance from sundry citizens of McHenry county, against annexing any part of said county to the county of Boone; which, on his motion, was referred to the committee on Counties.

Mr. Naper presented a memorial of citizens of Illinois, to improve the

navigation of the Des Plaines river; which, on his motion, was referred to the committee on Internal Improvements.

Mr. Harris presented a petition of sundry citizens of Montgomery and Macoupin counties, praying that a certain road therein named might be declared a State road; which, on his motion, was referred to the same select committee to which was referred a similar petition from citizens of Sangamon and Macoupin.

Mr. Naper presented a petition of sundry citizens of the city of Chicago, in relation to the replevin law; which, on his motion, without reading, was referred to the committee on the Judiciary.

Mr. Happy presented the petition of sundry citizens of Morgan county, praying that a part of Morgan be attached to Cass county; which was read, and, on his motion, referred to the committee on Counties.

Mr. Read presented a petition and remonstrance relative to Peters' creek, in Pope county; which, on his motion, without reading, were referred to a select committee.

*Ordered*, That Messrs. Allen of Franklin, Dunn, and Copeland, be that committee.

Mr. Naper, from the committee on Claims, to which was referred the petition of John Winstanly and Hugh Duffy, praying for relief, reported the same back to the House, and moved that said petition be referred to the committee of Investigation.

Mr. Jarrott moved to amend the motion, so as to refer so much of said petition as relates to charges against the Commissioners of the Public Works of the second judicial circuit, to the joint select committee of Investigation; and so much as relates to the claim of the petitioners, to a select committee of seven.

The question was taken on the first reference proposed by Mr. Jarrott, and decided in the affirmative.

Mr. Carpenter moved to refer the latter part to the committee on the Judiciary; which was not agreed to.

The question was then taken on referring it to a select committee of seven, and decided in the affirmative.

*Ordered*, That Messrs. Jarrott, Murphy of Perry, Wood, Huey, Logan, Allen of Greene, and Alexander, be that committee.

Mr. Churchill, from the committee on Claims, to which was referred a certain petition, reported a bill for "An act to permit William Jackson to insert a middle letter in his name;" which was read the first time, and

*Ordered* to a second reading.

Mr. Henry, from the committee on Claims, to which was referred a certain petition of A. M. K. Groves and others, praying relief, reported the same, and asked to be discharged from the further consideration thereof.

On motion of Mr. Robert Smith,

It was referred to the same select committee to which was referred the petition of Hugh Duffy and John Winstanly, praying for relief.

Mr. Maus, from the committee on Engrossed Bills, reported, as correctly engrossed, bills of the following titles, viz:

"An act to legalize the acts of John Simpson, a justice of the peace in Johnson county;"

"An act to amend an act concerning the right of way, and for other purposes;"

"An act concerning the public revenue of the county of Knox;" and

"An act to incorporate the Schuyler County Mutual Fire Insurance Company."

Mr. Pace, from the committee on Manufactures and Agriculture, to which was referred a bill for "An act supplemental to an act, entitled 'An act concerning judgments and executions,'" reported the same with amendments; which were read.

Mr. English moved to amend the amendments of the committee, by striking out the words "not exceeding in value seventy-five dollars."

When,

On motion of Mr. Henderson,

The bill and amendments were referred to a select committee of seven.

*Ordered*, That Messrs. Henderson, Henry, Rawalt, Edmonston, Hankins, Craig, and Dawson, be that committee.

Mr. Pace, from the committee on Manufactures and Agriculture, to which was referred a certain resolution relative to amending the execution laws, reported the same, and asked to be discharged from the further consideration thereof; which was granted.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have concurred with them in their amendments to the bill for "An act to authorize Edward White to establish a ferry across the Mississippi river." And then he withdrew.

Mr. Pace, from the committee on Manufactures and Agriculture, to which was referred a petition of sundry citizens of Cook county and others, praying for an act of incorporation, reported the same, and asked to be discharged from the further consideration thereof; which was granted.

Mr. Edmonston, from the select committee to which was referred a certain petition, reported a bill for "An act to locate a State road from Macomb to the Mississippi river;" which was twice read, and,

On his motion, referred to the committee on State Roads.

Mr. Stapp, from the select committee to which was referred a certain petition, reported a bill for "An act to change a part of a State road from Knoxville to New Boston;" which was twice read, and,

On motion of Mr. Moore,

Referred to the committee on State Roads.

Mr. Henry, from the select committee to which was referred a bill for "An act to regulate public stages and the law of the road," reported the same without amendment.

*Ordered* to be engrossed for a third reading.

On motion of Mr. Murphy of Perry,

The vote of the House on yesterday, referring to the committee on the Judiciary a bill for "An act to divorce Eliza Lakin," was reconsidered.

On his further motion, the bill was laid on the table.

The Speaker laid before the House the following communication from the Secretary of the Board of Public Works:

To the Hon. the **SPEAKER**  
*of the House of Representatives.*

**SIR:** In accordance with the following order of the Board of Public Works, to wit:

Mr. Alexander, commissioner of the fourth judicial circuit, submitted to the Board his report, and accompanying documents, of the survey made in compliance with the requisition of the seventh section of the Internal Improvement law; which were read, and, on motion,

*“Ordered,* That the Board decline giving any opinion on the question, whether a turnpike or railroad would be best calculated to promote the interests of the points designated in said survey, and the county through which the same may pass; and that the report of the said commissioner, and all the accompanying documents, be submitted to the General Assembly, that they may make such decision on the subject as they deem best; and that they be requested to make an appropriation to defray the expenses incurred in making the same survey:”

I herewith transmit the report of the commissioner of the fourth judicial circuit, together with the accompanying documents, made in compliance with the requisition of the seventh section of the Internal Improvement law.

I have the honor to be, very respectfully,

Your obedient servant,

**WILLIAM PRENTISS,**

*Secretary B. P. W.*

Which was read, and,

On motion of Mr. Archer,

The communication and the accompanying documents were referred to the committee on Internal Improvements.

Mr. R. Smith submitted, for adoption, the following:

*Resolved,* That the select committee to which is referred the petition of Winstanly and Duffy, and others, be empowered to send for persons and papers.

Mr. Wood moved that the House adjourn; not agreed to.

The question was then taken on Mr. Smith's resolution, and decided in the affirmative.

Mr. Lincoln moved to postpone the orders of the day, and take up the bill from the Senate for “An act making an appropriation for the completion and furnishing of the State house at Springfield;” which was not agreed to.

And then the House adjourned.

**FRIDAY, JANUARY 11, 1839.**

House met pursuant to adjournment.

Mr. Flood, from the committee on Enrolled Bills, reported that bills of the following titles were yesterday laid before the Council of Revision, viz:

“An act to authorize the Governor to commission the sheriff of Peoria county;”

"An act making an appropriation for the Penitentiary;"

"An act to change the name of the town of Geneva, in the county of Warren;"

"An act to amend an act to incorporate the Mississippi and Rock River Canal Company;"

"An act to incorporate the Mechanic Association and Galena Beneficial Society;"

"An act legalizing the assessment of the property taken in the county of Peoria for 1838;"

"An act to amend an act, entitled 'An act to prevent trespasses by cutting timber,' approved Feb. 27, 1819;"

"An act to provide for settling the accounts between the State and the Illinois and Michigan canal;"

"An act in relation to the town of Bloomington;" and

"An act for amending the act, entitled 'An act to provide for the election of justices of the peace and constables,' approved December 30, 1826."

Mr. Murphy of Perry presented a petition for the relief of the heirs of Daniel Dry, deceased; which, on his motion, was referred, without reading, to the committee on the Judiciary.

Mr. McCutchen presented a petition of sundry citizens of Illinois, for a State road from Meredosia, in Morgan county, to Quincy, in Adams county; which, on his motion, was referred, without reading, to the committee on State Roads.

Mr. Murphy of Perry presented a petition relative to part of the estate of Daniel Dry, deceased; which, on his motion, without reading, was referred to the committee on the Judiciary.

Mr. Happy presented a petition from sundry citizens of Morgan county, praying for a new county; which, on his motion, was referred, without reading, to the committee on Counties.

Mr. Brown presented a petition of sundry citizens of Illinois, for a State road from Mount Sterling, in Schuyler county, to Liberty, in Adams county; and also a petition of sundry citizens of Illinois, for a State road from Columbus, in Adams county, to Chambersburg, in Pike county; which, on his motion, were referred, without reading, to the committee on State Roads.

Mr. Happy presented a memorial of a meeting of citizens of Morgan county, in relation to a division of said county; which, on his motion, was referred, without reading, to the committee on Counties.

Mr. Ficklin, from the committee on the Judiciary, to which was referred certain resolutions, reported a bill for "An act further to define the duties of justices of the peace and constables;" which was twice read, and,

On motion of Mr. Flood,

Referred to a select committee of five.

Ordered, That Messrs. Flood, Ficklin, Pace, Henry, and Carpenter, be that committee.

Mr. McCutchen, from the committee on the Judiciary, to which was referred a bill for "An act regulating evidence in certain cases," reported the same with amendments; which were read and concurred in.

When,

On motion of Mr. Ficklin,

The bill as amended was referred to a select committee.

*Ordered*, That Messrs. Ficklin, French, and Lyons, be that committee.

Mr. Hardin, from the committee on the Judiciary, reported a bill for "An act to amend the acts in relation to constables;" which was twice read, and,

On motion of Mr. Murphy of Perry,

Referred to the same select committee to which was referred a bill for "An act further to define the duties of justices of the peace and constables."

Mr. Smith of Wabash, from the committee on Internal Improvement to which was referred a bill for "An act to amend 'An act to incorporate the Caledonia Railroad Company,'" reported the same with sundry amendments; which were read and adopted.

*Ordered*, That the bill as amended be engrossed for a third reading.

Mr. Moore, from the committee on Counties, to which was referred bill for "An act to create the county of Du Page," reported the same without amendment.

*Ordered* to be engrossed for a third reading.

Mr. Ficklin, from the committee on the Judiciary, to which was referred a petition of sundry citizens of Cook county, praying for sund alterations in the existing laws, reported the same, and asked to be discharged from the further consideration thereof; which was granted.

Mr. English, from the joint select committee of the two Houses, reported a bill for "An act dividing the State into judicial circuits, which was read twice.

Mr. Walker of Vermilion moved to refer it to a select committee five.

Mr. Webb of White moved to refer to the committee of the White House.

The question was put on the reference to the committee of the White House and decided in the affirmative.

Mr. Thornton, from the select committee to which was referred a certain petition, reported a bill for "An act to divorce John Jackson and Eleanor Jackson;" which was twice read.

Mr. English moved to amend, by adding thereto a section to divorce David Vinyard from Mary F. Vinyard, late Mary F. Silkwood; which was not agreed to.

On motion of Mr. Ficklin,

It was laid on the table.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have adopted the following resolutions:

*Resolved by the General Assembly*, That, from and after the 2d January instant, neither House will receive any new business.

*Resolved*, That it is expedient this General Assembly adjourn, *sine die* on the second Monday in February next.

In the adoption of which they ask the concurrence of the House of Representatives. And then he withdrew.

Mr. Smith of Wabash, from the select committee to which was referred

certain petition, reported a bill for "An act to vacate and relocate a part of the State road between Mount Carmel and Maysville;" which was twice read, and,

On motion of Mr. Allen of Greene,  
Referred to the committee on State Roads.

Mr. McCormick, from the select committee to which was referred a certain petition, reported a bill for "An act declaring the road leading from Lower Husband's, in Sangamon county, to Douglass, in Macoupin county, a State road;" which was twice read, and,

On motion of Mr. Green of Clay,  
Referred to the committee on State Roads.

Mr. Lincoln, from the select committee to which was referred a certain petition, reported a bill for "An act repealing all laws in relation to a State road leading from William Crow's, in Morgan county, to Musick's bridge, Sangamon county;" which was twice read, and,

On motion of Mr. Henry,  
Referred to a select committee.

Ordered, That Messrs. Henry, Dawson, and Harris, be that committee.

Mr. Harris, from the select committee to which was referred a certain petition, reported a bill for "An act declaring a certain road therein named State road;" which was twice read, and,

On motion of Mr. Green of Clay,  
Referred to the committee on State Roads.

Mr. Murphy of Cook offered for adoption the following:

*Resolved*, That the compensation now allowed by law to grand and petit jurors in this State is totally inadequate to the services required to be performed; that said law is unjust in principle, being equivalent to the exercise of a right to take the property and services of the citizens of the State without a fair and reasonable consideration.

*Resolved*, That the select committee, to which was referred a bill on the same subject, be instructed to inquire into the expediency of so amending said law as to allow to the grand and petit jurors a reasonable compensation for their services; and to report by bill or otherwise.

Mr. Robert Smith moved to amend, by adding at the end thereof: "so that they inquire into the expediency of raising the fees of witnesses."

The resolutions as amended were adopted.

On motion of Mr. Edmonston,

*Resolved*, That the committee on Internal Improvements be requested to inquire into the propriety or right of the several counties of this State, which have or may receive a distributive share of the two hundred thousand dollars appropriated by the act to establish and maintain a general system of Internal Improvement, to use the said money for any other purposes than works of Internal Improvements; and that they report by bill or otherwise.

On motion of Mr. Thomas of St. Clair,

The following preamble and resolution were adopted:

*Whereas* the Hon. William Brown, professor in McKendree college, proposes, on the evening of this day, to deliver an address on the importance of education, (including a knowledge of the principles of Government

as understood by us) to the proper discharge of the duties of a citizen of the United States; and on Tuesday evening to submit some practical remarks touching common schools, academies, colleges, and other matters connected with the cause of education: Therefore,

*Resolved*, That the use of the Hall of the House of Representatives be granted to Professor Brown, on the evenings of this day and Tuesday next, for the purposes aforesaid.

On motion of Mr. Green of Clay,

*Resolved*, That the committee on Internal Improvements be requested to inquire into the expediency and propriety of a further appropriation to complete that part of the western mail route lying between the Little Wabash and Big Muddy, in Clay county, together with such other appropriations as may be necessary to the completion of the aforesaid road and that they report by bill or otherwise.

Mr. Robert Smith offered, for adoption, the following:

*Resolved by the House of Representatives, (the Senate concurring herein,)* That the Commissioners of Public Works of this State cause to be surveyed, by some competent engineer, the Mississippi river between Alton and Smeltzer's ferry, for the purpose of a site for a bridge across said river; and that they report to the next General Assembly the practicability of constructing said bridge, and, if practicable, the cost of the same; also the cost of constructing a McAdamized road along the bank of said river, from Alton to said site; and should the report be in favor of said bridge, it shall be the duty of said Commissioners of Public Works to publish said report, and furnish a copy of the same to the chief engineer of the United States, and to each of the Senators and Representatives in Congress from this State: *Provided, however*, the aforesaid survey shall not be ordered unless the same can be made without increasing the engineers in the employ of the State.

On motion of Mr. Webb of White,

It was referred to the committee on Internal Improvements.

On motion of Mr. Hankins,

*Resolved*, That the committee on the Judiciary be instructed to inquire into and report to this House when the constitutional period for the continuance of the seat of Government at Vandalia expires.

On motion of Mr. English,

*Resolved*, That the committee on Internal Improvements be requested to inquire into the expediency and propriety of making an appropriation for the improvement of the navigation of the Macoupin and Apple creeks in Greene county; and that they report by bill or otherwise.

On motion of Mr. Happy,

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of so amending the revenue law as to authorize the appointment of two or more assessors in each county.

On motion of Mr. Ficklin,

*Resolved*, That the committee on the Judiciary inquire into the expediency of abolishing capital punishments in all cases; and that they report by bill or otherwise.

Mr. Copeland offered, for adoption, the following:

*Resolved*, That a committee be appointed to examine into the affairs and



minute situation of the State Bank of Illinois, and the Bank of Illinois; and report the result of such examination to this House.

*Resolved*, That the said committee shall have free access, for the purpose of such examination, to all the books and papers in anywise appertaining or belonging to the said Banks, and may have power to call for persons and papers for the purpose of ascertaining the true situation of the said Banks.

On motion of Mr. Hardin,

The resolutions were referred to a committee of the Whole House.

Mr. Huey, on leave given, introduced a bill for "An act to change an appropriation heretofore made to Clinton county;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Roman, on leave given, introduced a bill for "An act to incorporate McKendree College;" which was twice read, and, on his motion, referred to the committee on the Judiciary.

On motion of Mr. Henry,

A bill for "An act to provide for securing to mechanics and others, liens on the value of labor and materials," was taken up; and, on his further motion, referred to the committee on the Judiciary.

Mr. Murphy of Cook, on leave given, introduced a bill for "An act for the formation of Lake county;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Hardin, from the committee on the Judiciary, reported a bill for "An act to amend the several acts concerning administrators and apprentices;" which was twice read, and

*Ordered* to be engrossed for a third reading.

On motion of Mr. Smith of Wabash,

The orders of the day were dispensed with, and the bill from the Senate, for "An act making an appropriation for the completion and furnishing of the State house in Springfield," was taken up and read the third time.

The question—"Shall the bill pass?" was taken by yeas and nays, on the call of Messrs. Hankins and Green of Clay,

And decided in the affirmative, as follows:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Franklin, Allen of Greene, Archer, Baker, Bainbridge, Brown, Calhoun, Churchill, Craig, Crain, Dawson, Dubois, Edmonston, Edwards, Elkin, Elliott, English, Gilham, Gouge, Green of Greene, Hardin, Harris, Henderson, Holmes, Hull, Jarrott, Jones, Kent, Kercheval, Kerr, Lincoln, Logan, Lyons, McCormick, McCutchen, McMillan, McWilliams, Moore, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Rawalt, Read, Roberts, Smith of Wabash, G. Smith, R. Smith, Stapp, Thomas of McLean, Thornton, Walker of Fulton, Webb of White, and Zimmerman—56.

Those who voted in the negative, are,

Messrs. Alexander, Carpenter, Cloud, Compher, Copeland, Cunningham, Emmerson, Ficklin, Fisk, Foster, Green of Clay, Hankins, Happy, Henry, Houston, Huey, Johnson, Maus, Morgan, Pace, Robinson, Roman, Thomas of St. Clair, Walker of Vermilion, Wood, and Mr. Speaker—26.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the concurrence of this House in the passage thereof.

Mr. Hardin moved to adjourn until 2 o'clock, P. M.; which was not agreed to.

On motion of Mr. Smith of Wabash,

The House adjourned.

## SATURDAY, JANUARY 12, 1839.

House met pursuant to adjournment.

Mr. Flood, from the committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles, viz:

"An act making an appropriation for the completing and furnishing of the State house at Springfield; and

"An act to authorize Edward White to establish a ferry across the Mississippi river."

Mr. Flood, from the same committee, afterwards reported that the aforesaid bills were this day laid before the Council of Revision.

Mr. Jones presented a petition of Edward Humphreys and others, citizens of Randolph county, praying the passage of an act authorizing the translation and copying of the French records from the year 1707 to 1800: which, on his motion, was referred to the committee on the Judiciary.

Mr. Lincoln presented the remonstrance of many citizens of Sangamon county, against its division into four parts; which, on his motion, was referred to the committee on Counties.

Mr. Copeland presented a petition of the citizens of the county of Alexander, praying a change of the termination of the Central railroad; which was read.

Mr. Copeland moved to refer it to a select committee of seven.

Mr. Crain moved to refer it to the committee on Internal Improvements.

The question was first put on the reference proposed by Mr. Crain, and decided in the negative.

It was then referred to a select committee of seven, as moved by Mr. Copeland.

*Ordered*, That Messrs. Copeland, Allen of Franklin, Happy, Foster, Webb of White, Murphy of Pery, and Calhoun, be that committee.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed to inform the House of Representatives that the Senate have concurred with them in their amendments to the Senate's bill for "An act to vacate the survey and plat of Garrett's addition to the town of Peoria, and also to vacate the plat of the town of Hudson."

They have also passed bills of the following titles, viz:

"An act authorizing county commissioners' courts to establish and change State roads;" and

"An act for the relief of Robert Davis and others."

In the passage of which they ask the concurrence, of the House of Representatives.

They have also concurred with the House of Representatives in the passage of the bill for "An act to amend an act, entitled 'An act to incorporate the Carmi Bridge Company,' approved February 6, 1835." And then he withdrew.

Mr. Lincoln presented a remonstrance against the division of Sangamon county into four parts; which, on his motion, was referred to the committee on Counties.

Mr. Elkin presented a petition of sundry citizens of the counties of Sangamon, Montgomery, and Shelby, praying for the formation of a new county, out of parts of said counties, and to be named the county of "Dane;" which was referred, on his motion, to the committee on Counties.

Mr. Naper presented a petition of James Brooks and others, in regard to damages sustained on the canal in February last; which, on his motion, was referred to the committee on Canals and Canal Lands.

Mr. Greene of Clay presented a petition of sundry citizens of Fayette, Effingham, and Clay counties; which, on his motion was referred, without reading, to the committee on State Roads.

Mr. Elkin presented a petition of sundry citizens of Athens, on the subject of the north boundary of Sangamon county; which, on his motion, was referred, without reading, to the committee on Counties.

Mr. Stapp presented a petition of sundry citizens of Warren and Knox counties, praying the establishment of a State road from Macomb to Knoxville; which, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Stapp, Edmonston, and Rawalt, be that committee.

Mr. Foster presented a petition of sundry citizens of Marion, asking for a change in the Central railroad, so that it shall run through Salem.

Mr. Foster moved to refer it to the same select committee of seven to which was referred the petition from Alexander county relative to the termination of the Central railroad.

Mr. Crain moved to refer to the committee on Internal Improvements.

The question was taken on the last proposed reference, and decided in the negative.

The question then recurred upon the reference, moved by Mr. Foster, to the same select committee of seven, and decided in the affirmative.

Mr. Green of Clay moved that three additional members be placed upon the said select committee of seven; which was not agreed to.

Mr. Archer presented a petition of citizens of Clark county, to have Mill creek declared navigable; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Archer, McMillan, and Houston, be that committee.

Mr. Copeland presented a petition of the citizens of Johnson county, praying a change of a part of a State road therein named; which, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Copeland, Bainbridge, and Wood, be that committee.

Mr. Webb of Alexander, from the joint committee on Finance of the two Houses, made the following report, viz:

The committee on Finance, who were directed to examine the books and accounts of the Auditor and Treasurer of the State, report that they have attended to that duty, and find the books and vouchers to agree with the reports heretofore made by those officers.

Which was received and read.

Mr. Moore, from the committee on Counties, to which was referred a certain petition, reported a bill for "An act to establish the county of Scott;" which was read the first time, and

*Ordered* to a second reading.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred a bill for "An act to authorize Ezra Baker, jr. and Henry L. Mills to erect a mill-dam across the Little Wabash river," reported the same and recommended its rejection.

On motion of Mr. Smith of Wabash,

The bill was referred to a select committee.

*Ordered*, That Messrs. Smith of Wabash, Green of Clay, and Emmer-son, be that committee.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred a petition for granting to L. D. Hilerman the right to build a mill-dam across the Little Wabash river, reported the same and recommended its rejection.

Mr. Green of Clay moved to refer it to the same select committee to which was referred the preceding bill on the same subject; which was agreed to.

Mr. Smith of Wabash, from the committee on Internal Improvements, made the following report:

The committee on Internal Improvements, who were instructed by resolution to inquire into the expediency of constructing a railroad from the head of the Des Moines rapids of the Mississippi river to the intersection of the Peoria and Warsaw railroad, report that they have had the subject under their consideration; and upon the investigation of the probable amount of business which would be done upon the proposed improvement, and the public accommodation to result from its construction, its importance cannot be questioned. The Des Moines rapids, for several months in the year, present a very formidable barrier to the navigation, and render a portage around them, for the immense trade of the river, indispensably necessary. As the trade on the river must rapidly increase with the settlement of the country drained by this great river and its tributaries, it cannot be expected that this important portage will continue long to be overcome in the expensive manner it now is, but that the public convenience will demand a railroad or canal either in Illinois or Iowa.

The committee, however, are unwilling, notwithstanding the great importance of this work, to recommend its construction by the State at present; but they will express their belief that it is one of numerous cases, in which the concentration of individual capital may very properly be authorized by the Legislature to effect the object, reserving to the State the privilege of purchasing the improvement, whenever, in the opinion of the Legislature, the public good requires it to be done. The work does

not, in any manner, conflict with the State works, but on the contrary is calculated to throw trade on the latter.

They therefore ask to be discharged from the further consideration of the subject so far as it is proposed to construct the work by the State.

The report was received, read to the House, and concurred in.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred the following, to wit:

A memorial of the citizens of Illinois to improve the navigation of the Des Plaines river;

A petition of sundry citizens of Morgan county, praying the construction of a turnpike road from Winchester, in Morgan county, to Augusta, in Pike county; and

A resolution of inquiry into the necessity and utility of constructing a turnpike road from Oquawka to the termination of the Illinois and Michigan canal, on the Illinois river;

Reported unfavorably to the same, and asked to be discharged from the further consideration thereof; which was granted.

Mr. Naper, from the select committee to which was referred a petition of sundry citizens of Cook, and McHenry counties, praying for a new county, reported the same, and asked that it be referred to the committee on Counties; which was agreed to.

On motion of Mr. Kercheval,

The following preamble and resolution were adopted:

*Whereas* Oliver Newberry, Esq., of the city of Detroit, in the State of Michigan, has built upon the waters of the northern lakes a large and splendid steamboat, of seven hundred and fifty tons burden, to ply between Buffalo and Chicago, on the said lakes, and, in compliment to our State, has named her the "Illinois;" and whereas it is customary on such occasions to present the vessel so named with a suitable suit of colors: Therefore,

*Resolved*, That a suitable suit of colors be presented to the said steamboat "Illinois," at the city of Chicago, in said State, and that Richard I. Hamilton, Walter Kimball, Justice Butterfield, William Jones, B. F. Knapp, Eli R. Williams, Truman G. Wright, E. D. Taylor, and John H. Kinzie, are hereby appointed a committee to carry into effect the object of this resolution.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Edmonston offered, for adoption, the following:

*Resolved*, That the select committee to which was referred the bill relative to grand and petit jurors be instructed to inquire into the expediency of repealing the law in relation to the manner of selecting and summoning petit jurors, and providing that they shall be summoned from the bystanders during the terms of court; which was not agreed to.

On motion of Mr. Calhoun,

*Resolved*, That the committee on Internal Improvements be permitted to employ a clerk to aid said committee in the performance of its duties.

On motion of Mr. Churchill,

*Resolved*, That the Board of Commissioners of the Illinois and Michigan canal be requested to communicate to this House any information

they may possess relative to the feasibility and probable cost of rendering the Fox river navigable to the northern boundary line of this State.

On motion of Mr. Dubois,

*Resolved*, That the Board of Public Works be requested to inform this House when a report may be expected from Mr. Burr, engineer on the Wabash river.

On motion of Mr. Archer,

*Resolved*, That the committee on Internal Improvements be requested and authorized to cause to be printed 500 copies of the report of the Board of Public Works of the route surveyed for a rail or turnpike road, from Charleston, through the seat of justice of Clark county, to the Wabash river, for the use of the General Assembly.

On motion of Mr. Smith of Wabash,

*Resolved*, That the committee on Public Buildings and Grounds be instructed to inquire into the propriety and expediency of donating to the town of Vandalia the State house and public square in said town, from and after the removal of the seat of Government therefrom, for the purpose of being used for a seminary of learning, and for the promotion of literature therein, and for no other purpose; and that said committee have leave to report by bill or otherwise.

On motion of Mr. Brown,

*Resolved*, That the committee on Internal Improvements be requested to inquire into the expediency of the State constructing a turnpike or railroad from the town of Rushville, in Schuyler county, to the nearest and most suitable point on the Illinois river; and that they report by bill or otherwise.

On motion of Mr. Cunningham,

The resolution submitted by him some time since, relative to the improvement of the Embarrass and other streams, was taken up.

On motion of Mr. Logan,

It was amended by striking out "Big Muddy."

The resolution as amended was adopted.

Mr. Johnson proposed for adoption the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of reporting a bill to authorize as many of those counties, as the public good may require, as have drawn their respective shares of the \$200,000 from the internal improvement system, to loan it out; and that the interest only be used for the purposes for which said appropriation was made; and that they have leave to report by bill or otherwise; which was not agreed to.

Mr. Hankins, on leave given, introduced a bill for "An act authorizing the Governor to convey certain lands therein named;" which was twice read, and,

On motion of Mr. English,

Referred to the committee on Public Buildings and Grounds.

Mr. Churchill, on leave given, introduced a bill for "An act supplemental to an act, entitled 'An act to amend an act for the construction of the Illinois and Michigan canal,' approved Jan. 9, 1836;" which was twice read, and,

On motion of Mr. Naper,

Referred to the committee on Canals and Canal Lands.

Mr. Henderson, on leave given, introduced a bill for "An act to change the manner of voting at elections, and for other purposes;" which was twice read, and on his motion, referred to the committee on the Judiciary.

Mr. Allen of Franklin, on leave given, introduced a bill for "An act to locate a State road from James Robeson's, in Gallatin county, to Jonesboro', in Union county;" which was twice read.

On motion of Mr. Copeland,

It was amended by adding William McMahan, of Johnson county, as an additional commissioner to locate said road.

On motion of Mr. Allen of Franklin,

The bill as amended was referred to the committee on State Roads.

Mr. Roberts, on leave given, introduced a bill for "An act to vacate the plat of the town of Savannah, in Iroquois county;" which was read the first time, and

*Ordered* to a second reading.

Mr. Allen of Greene, on leave given, introduced a bill for "An act to incorporate the town of Fayette;" which was read the first time, and

*Ordered* to a second reading.

Mr. Murphy of Perry proposed the following for adoption:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of authorizing county commissioners to marry persons, and to legalize marriages that have been heretofore solemnized by county commissioners in this State.

Mr. Churchill moved to amend by adding "and notaries public," after the words "county commissioners;" not agreed to.

The question was then taken on adopting the resolution, and decided in the negative.

Mr. Smith of Wabash, on leave given, introduced a bill for "An act to incorporate the Mount Carmel Female Seminary;" which was twice read, and, on his motion, referred to the committee on Education.

Mr. Crain, on leave given, introduced a bill for "An act supplemental to an act, entitled 'An act to lay out a certain State road therein named;'" which was twice read, and,

On motion of Mr. Huey,

Referred to the committee on State Roads.

Mr. Henderson, on leave given, introduced a bill for "An act to amend the law in relation to the redemption of real estate;" which was twice read, and, on his motion, referred to the committee on the Judiciary.

Mr. Johnson, on leave given, introduced a bill for "An act to revive and continue in force 'An act to locate a State road from Carlinville, in Macoupin county, to Greenville, in Bond county;'" which was twice read, and, on his motion, referred to the committee on State Roads.

Mr. Stapp, on leave given, introduced a bill for "An act supplemental to an act, entitled 'An act to erect certain bridges,' approved January 23, 1831;" which was twice read, and

*Ordered* to be engrossed for a third reading.

On motion of Mr. Rawalt,

*Resolved*, That the committee on Manufactures and Agriculture be

instructed to inquire into the expediency of enacting a general law for the incorporation of agricultural societies, and for the encouragement thereof.

On motion of Mr. Williams,

The House adjourned.

### MONDAY, JANUARY 14, 1839.

House met pursuant to adjournment.

Mr. McCutchen presented the petition of 140 ladies and gentlemen, citizens of Schuyler county, praying for "An act prohibiting the retailing of intoxicating liquors;" which, without reading, was on his motion, referred to the committee on the Judiciary.

Mr. Murphy of Cook presented a remonstrance of sundry citizens of McHenry county, against annexing any part of the same to Cook county; which, without reading, was referred, on his motion, to the committee on Counties.

Mr. Elkin presented sundry additional remonstrances of the citizens of Sangamon county, against the quartering division of said county; which, without reading, was referred, on his motion, to the committee on Counties.

Mr. Rawalt presented a petition of sundry citizens of Fulton county, praying the removal of the county seat of said county; and, also, a remonstrance of sundry citizens of Fulton county, against the removal of said county seat; which, without reading, were referred, on his motion, to the committee on Counties.

Mr. Murphy of Cook presented a petition of sundry citizens of Cook and McHenry counties, praying the location of a State road; which, without reading, was referred, on his motion, to the committee on State Roads.

Mr. Churchill presented the petition of sundry citizens of the county of Cook, praying the incorporation of a literary institution; which, without reading, was referred, on his motion, to a select committee.

*Ordered*, That Messrs. Churchill, Kercheval, and Moore, be that committee.

Mr. Churchill presented a petition of sundry citizens of the county of Kane, praying the passage of "An act authorizing James T. Gifford and Samuel J. Kimball to build a bridge across Fox river;" which, without reading, was referred, on his motion, to a select committee.

*Ordered*, That Messrs. Churchill, Murphy of Cook, and Murphy of Vermilion, be that committee.

Mr. Calhoun presented a petition of citizens of Sangamon county, praying for a division of said county; which, without reading, was referred, on his motion, to the committee on Counties.

Mr. Harris presented a petition of sundry citizens of Macoupin county, praying a review of a certain road therein named; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Hull presented the petition of Edwin L. Case, praying the passage of a law vacating the town plat of the town of Auburn, in Tazewell



county; which, without reading, was referred, on his motion, to a select committee.

*Ordered*, That Messrs. Hull, Maus, and Compher, be that committee.

Mr. Archer presented a memorial of sundry citizens of Clark county, for a charter for a college; which, without reading, was referred, on his motion, to a select committee.

*Ordered*, That Messrs. Archer, Kercheval, and George Smith, be that committee.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred a resolution directing a survey to be made, for a site for a bridge across the Mississippi river, between Alton and Smeltzer's ferry, reported the same with an amendment; which was concurred in.

Mr. Ficklin moved to amend, by adding thereto:

"And, also, that the Board of Public Works cause a survey to be made of the Embarrass river: *Provided*, That the same can be done by engineers, now in the employment of the State, without an increased expense to the State."

On motion of Mr. Roman,

The proposed amendment was amended, by adding the following, viz:

"And, also, that the said Commissioners require a like survey of the Mississippi, between Illinois town and St. Louis, for the same object, and under similar restrictions."

The question was taken on adopting the amendment, as amended, and decided in the affirmative.

On motion of Mr. G. Smith,

The original resolution was further amended, by striking out the words "Alton and Smeltzer's ferry," and inserting, in lieu thereof, "the mouth of the Little Piasa creek, at the city of Alton, and Smeltzer's ferry."

On motion of Mr. Happy,

The resolution, as amended, was laid on the table.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of the bill for "An act to establish the county of Marshall," as amended by them.

In which amendments they ask the concurrence of the House.

They have also passed a bill of the following title: "An act to change part of a State road in Morgan county."

In the passage of which they ask the concurrence of the House of Representatives.

They have also concurred with the House in the passage of the bill for "An act for the relief of the late Warden of the Penitentiary." And then he withdrew.

Mr. Jarrott, from the committee on the Judiciary, to which was referred a bill for "An act to incorporate McKendree College," reported the same without amendment; whereupon, it was

*Ordered* to be engrossed for a third reading.

Mr. Smith of Wabash, from the committee on Internal Improvements, reported a bill for an act, entitled "An act authorizing the improvement of the Big Muddy river;" which was twice read, and,

On motion of Mr. Alexander,  
Referred to a select committee.

*Ordered*, That Messrs. Alexander, Logan, and Bainbridge, be that committee.

Mr. Archer, from the committee on State Roads, to which was referred a bill for "An act to authorize Henry W. Cleveland to build a toll-bridge across the Winnebago swamp," reported the same with sundry amendments; which were concurred in, and the bill

*Ordered* to be engrossed for a third reading.

Mr. Smith of Wabash, from the committee on Internal Improvements, made the following report:

The committee on Internal Improvements, to which was referred a resolution requesting said committee to inquire into the right of the several counties of this State, which have or may receive a distributive share of the two hundred thousand dollars appropriated by the act to establish and maintain a general system of Internal Improvements, to use said money for any other purposes than those of Internal Improvements, have ascertained that the House now have under their consideration a bill from the Senate on this subject; and therefore report the said resolution back to the House, and ask to be discharged from the further consideration of the subject.

The report was read and concurred in.

Mr. Henderson, from the select committee to which was referred a bill for "An act supplemental to an act, entitled 'An act concerning judgments and executions,'" reported the same, and recommended a substitute in lieu thereof.

The question being upon the adoption of the substitute:

Mr. Rawalt called for a division thereof, so as to take the vote upon exempting from execution certain property of farmers and mechanics separately from the rest of the substitute; when,

On motion of Mr. Dawson,

The bill and substitute were referred to a committee of the Whole House.

Mr. Churchill, from the select committee to which was referred a bill for "An act supplemental to an act, entitled 'An act to regulate the action of replevin,' approved January 29, 1827," reported the same, with an amendment; which was read and concurred in, and the bill, as amended,

*Ordered* to be engrossed for a third reading.

Mr. Allen of Franklin, from the select committee to which was referred a petition and remonstrance relative to Peters' creek, in Pope county, reported the same, and asked to be discharged from the further consideration thereof; which was granted.

Mr. Ficklin, from the select committee to which was referred a bill for "An act regulating evidence in certain cases," reported the same with an amendment; which was read and concurred in, and the bill

*Ordered* to be engrossed for a third reading.

On motion of Mr. Craig,

*Resolved*, That the Board of Public Works be requested to communicate to this House, at as early a day as practicable:

1st. Such communications (if any) as may have passed between the citizens of Galena, assembled in town meetings, and the Board of Public

Works, relative to the northern termination of the Central railroad; and, also, from the trustees of the town of Galena to the Board of Public Works on the same subject, or to the commissioner of the sixth judicial circuit.

2d. Whether the northern termination of the Central railroad has yet been located; and, if so, whether such termination is north or south of Fever river.

3d. At what place on Rock river the said Board of Public Works have determined that the Central railroad shall cross, and their reasons why a more direct route from Peru, on the Illinois river, to Savannah, on the Mississippi river, has not been adopted.

4th. What amount of money will be required to improve the rapids of Rock river, in range seven east of the fourth principal meridian; and, also, what amount of water-power will be obtained by said improvement.

5th. Whether this water-power could not be brought into more immediate use, and rendered more valuable to the State, if the Central railroad should cross Rock river at that point.

6th. Whether the line of the Central railroad adopted is longer, or shorter, than another line from Peru, on the Illinois river, *via* the rapids on Rock river, to Savannah, on the Mississippi river, and the comparative cost of construction of the two routes.

7th. And that they report to this House their reasons for leaving an interval of ten or twelve miles between that part of the Central railroad already put under contract from Galena south, and that part proposed by the Board of Public Works to be put under contract, during the ensuing six months, east from Savannah, towards Rock river.

On motion of Mr. Happy,

*Resolved*, That the committee on State Roads be instructed to inquire into the expediency of so amending the road law authorizing the levying and collecting a road tax, as to authorize the collection of said tax by the sheriffs of the counties in which the same may be levied.

On motion of Mr. Huey,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the criminal code as to make the firing of woods and prairies a penitentiary offence, where loss of life or property shall ensue from wilfully, causelessly, or negligently firing such woods or prairies.

On motion of Mr. McWilliams,

*Resolved*, That the committee on Education be requested to inquire into the expediency of paying the interest arising from the different school funds in proportion to the number of youths in each district, in place of the present mode of distribution.

Mr. Carpenter asked and obtained leave to introduce a bill for "An act to amend an act, entitled 'An act concerning estrays,'" which was twice read:

When,

Mr. Crain moved to refer the bill to a select committee of seven.

Mr. George Smith moved to refer it to the committee on Agriculture and Manufactures; which was agreed to.

Mr. Roman asked and obtained leave to introduce a bill for "An act to

incorporate the Pittsburgh and Mississippi Railroad Company;" which was twice read, and

Referred to the committee on Internal Improvements.

The resolutions from the Senate in relation to the reception of new business, and the adjournment of this General Assembly *sine die*, were read:

When,

On motion of Mr. Dubois,

The first resolution was amended by striking out the words, "it is expedient that."

Mr. Happy moved to amend the first resolution by striking out all after the word "Resolved," and insert the following:

"That when the two Houses do adjourn, they adjourn to meet the first Monday in December, 1839."

Mr. Dawson moved to lay the resolutions and proposed amendment on the table; which was agreed to.

After the Speaker announced the result of the vote on Mr. Dawson's motion, Mr. Dubois called for the yeas and nays, and the call was seconded by Mr. McMillan.

The Speaker decided that it was not in order to demand the yeas and nays after the result was announced from the chair; from which decision,

Mr. Hardin took an appeal to the House; and after discussion had thereon,

On motion of Mr. Hardin,

The question of order was laid on the table.

On motion of Mr. Carpenter,

The vote taken this day on referring the bill for "An act to amend an act, entitled 'An act concerning estrays,'" to the committee on Agriculture and Manufactures, was reconsidered;

And on the question again being put upon referring the bill to said committee,

It was decided in the negative.

Mr. Crain renewed his motion to refer the bill to a select committee of seven; which was agreed to.

*Ordered*, That Messrs. Crain, Carpenter, Henry, Henderson, Emerson, Jones, and Morgan, be that committee.

The amendments of the Senate to the bill from the House, entitled "An act to establish the county of Marshall," were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

And then the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Williams,

*Resolved*, That the Clerk inform the Senate that the House of Representatives is now ready to receive them in the Hall of the House of

representatives to proceed to the election of public printer, Auditor, Treasurer, and Attorney General.

The Clerk having performed that duty:

The Senate, preceded by their Speaker, appeared in the Hall of the House for the purpose aforesaid; and upon the vote being taken for public printer, William Walters received sixty-five votes; William Hodge received sixty-three votes; and Richard Beck one vote.

Those who voted for Mr. Walters, are,

Messrs. Borough Butler, Gaston, Gatewood, Gibbs, Hacker, Hackelton, Hunter, Johnston, Mitchell, Nunnally, Parrish, Peck, Richardson, Stadler, Turney, Warren, Weatherford, Witt, and Wood, of the Senate:

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copeland, Crain, Daley, Edmonston, English, Fisk, Flood, Foster, French, Gouge, Green, Green Clay, Green of Greene, Hankins, Happy, Harris, Holmes, Huey, Kercheval, Logan, McWilliams, Maus, Moore, Morgan, Murphy of Cook, Murphy of Perry, Naper, Pace, Robinson, Roman, Robert Smith of Madison, Thomas of St. Clair, Walker of Vermilion, Wood, Zimmerman, and the Speaker, of the House of Representatives—65.

Those who voted for Mr. Hodge, are,

Messrs. Allen, Blackwell, Browning, Churchill, Davidson, Fithian, Fletcher, Greer, Hamlin, Harrison, Little, Mills, Moore, Monroe, Murphree, O'Rear, Ross, Servant, and Thomas, of the Senate:

Messrs. Aldrich, Archer, Baker, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Emmerson, Ficklin, Gilham, Hardin, Anderson, Henry, Houston, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Leck, Lyons, McCormick, McCutchen, McMillan, Menard, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, George Smith of Madison, Stapp, Thomas of McLean, Thornton, Walker of Fulton, Webb of Alexander, Webb of White, and Williams, of the House of Representatives—63.

Mr. Smith of Wabash voted for Mr. Beck.

Mr. Walters, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected public printer of the State of Illinois.

The two Houses then proceeded to the election of Auditor of Public Accounts; and upon the vote being taken, Levi Davis received all the votes given, and was declared, by the Speaker of the House of Representatives, duly elected Auditor of Public Accounts for the State of Illinois.

They then proceeded to the election of Treasurer of State; and upon the vote being taken, John D. Whiteside received one hundred and twenty-one votes; Mr. Weatherford three votes; Mr. Witt one; Mr. Dunn one; Mr. Blackwell one; and Mr. Happy one.

Messrs. Witt, Wood of the Senate, and Moore, of the House of Representatives, voted for Mr. Weatherford.

Mr. Dunn voted for Mr. Witt.

Mr. Happy for Mr. Dunn.

Mr. Weatherford for Mr. Blackwell.

Mr. Read for Mr. Happy.

All the other members voted for Mr. Whiteside; Messrs. Herndon, Kercheval, and Marshall, being absent.

Mr. Whiteside, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected Treasurer of the State of Illinois.

The two Houses then proceeded to the election of an Attorney General and upon the vote being taken, Wickliffe Kitchell received sixty-five votes; George W. Olney sixty votes; Mr. Baker one vote; and Mr. Thomas one vote.

Those who voted for Mr. Kitchell, are,

Messrs. Blackwell, Borough, Davidson, Fithian, Gaston, Gibbs, Gre Hackelton, Hunter, Johnston, Mills, Mitchell, Nunnally, Parrish, Pe Richardson, Stadden, Warren, Weatherford, Witt, and Wood, of the Senate:

Messrs. Alexander, Allen of Franklin, Allen of Greene, Archer, Ba bridge, Brown, Carpenter, Churchill, Cloud, Compner, Copeland, Cra Cunningham, Dubois, Edmonston, Elliott, Emmerson, English, Fick Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Gree Hankins, Happy, Harris, Houston, Huey, McMillan, McWilliams, Mo Murphy of Perry, Naper, Pace, Philips, Roberts, Robinson, Sm of Wabash, Walker of Vermilion, Webb of White, and Mr. Speaker of the House of Representatives—65.

Those who voted for Mr. Olney, are,

Messrs. Allen, Browning, Butler, Churchill, Fletcher, Gatewood, Ha er, Hamlin, Harrison, Little, Moore, Monroe, Murray, O'Rear, R Servant, Thomas, and Turney, of the Senate:

Messrs. Aldrich, Baker, Calhoun, Craig, Daley, Dawson, Dunn, wards, Elkin, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jan Johnson, Jones, Kent, Kerr, Lincoln, Logan, Lyons, McCormick, Cutchen, Menard, Morgan, Otwell, Rawalt, Read, Roman, George S of Madison, Robert Smith of Madison, Stapp, Thomas of McL Thomas of St. Clair, Thornton, Walker of Fulton, Webb of Alexan Williams, Wood, and Zimmerman, of the House of Representative 60.

Mr. Maus voted for Mr. Baker.

Mr. Murphy of Cook for Mr. Thomas.

Mr. Kitchell, having received a majority of all the votes given, declared, by the Speaker of the House of Representatives, duly elected Attorney General of the State of Illinois.

The Senate withdrew;

And the House adjourned.

TUESDAY, JANUARY 15, 1839.

The House met pursuant to adjournment.

Mr. Allen of Greene presented a remonstrance of the Springfield and Mississippi Railroad Company against any interference with their charter, which, without reading, was referred, on his motion, to the committee on Internal Improvements.

Mr. Walker of Fulton presented a petition of sundry citizens of

nty of Fulton, praying for the alteration of a certain State road herein named: which, without reading, was referred, on his motion, to committee on State Roads.

Mr. G. Smith presented a petition of Benjamin Stedman, of Macoupin county, praying a change in the boundaries of the city of Alton; which, without reading, was referred, on his motion, to the same select committee to which was referred a petition of John T. Lusk on the same subject.

Mr. Naper presented a petition of 21 citizens of the town of Juliet, Madison county, praying this Legislature to pass resolutions declaring Congress have the right to abolish slavery in the District of Columbia; which, on his motion, without reading, was referred to the committee on Judiciary.

Mr. M'Cutchen presented a petition of sundry citizens of Schuyler and M'Donough counties, praying for a State road from Mount Sterling, Schuyler county, to Macomb, in M'Donough county; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. M'Cutchen, Elkin, Gilham, be that committee.

Mr. Brown presented a petition of sundry citizens of Schuyler county, to relocate so much of the State road, leading from Rushville to Quincy, as lies between Rushville and Henley's mill, on Crooked creek; which, without reading, was referred, on his motion, to the committee on State Roads.

Mr. Stapp presented a petition of sundry citizens of Henry county, praying the relocation of a part of a State road; which, without reading, was referred, on his motion, to a select committee.

*Ordered*, That Messrs. Stapp, Williams, and Brown be that committee.

Mr. Murphy of Perry presented a remonstrance against any change in the road between Pinckneyville and Kaskaskia; which, without reading, was referred, on his motion, together with a petition before the house on the same subject, to the committee on State Roads.

Mr. Henderson presented a petition of sundry citizens of Bureau county, relating to the county seat of said county; which, without reading, was referred, on his motion, to the committee on Counties.

Mr. Copland presented a petition of 84 citizens of Johnson county, praying for a State road therein named, which, without reading, was referred, on his motion, to the committee on State Roads.

Mr. Smith of Wabash, from the select committee to which was referred a bill for "An act to authorize Ezra Baker, jr., and Henry I. Mills to erect a mill-dam across the Little Wabash river," reported the same with sundry amendments; which were read, concurred in, and the bill *Ordered* to be engrossed for a third reading.

Mr. Craig, from the select committee appointed to visit the Penitentiary, to examine into the causes of the escapes of convicts and the condition of the Penitentiary and its inmates, &c., made a report, which was read; and,

On motion of Mr. Williams,

the report was recommitted to the same select committee, with instructions to report a bill in conformity with the recommendations contained in their report.

Mr. Cunningham, from the select committee to which was referred certain petition, reported a bill for "An act to change a part of the State road from Palestine to Shelbyville;" which was read the first time, and *Ordered* to a second reading.

On motion of Mr. Murphy of Perry,

Leave of absence was granted to Mr. Huey.

Mr. Cloud, from the select committee to which was referred a certain petition, reported a bill for "An act to change a certain State road Morgan county;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Henry offered the following resolution:

*Resolved*, That the Committee on Finance be requested to inquire into the propriety of classifying or curtailing the present system of internal improvement, so as to suit the present age and resources of our State, and report by bill or otherwise; also, that they inquire into the expediency of reducing the number of officers to carry on said system.

Mr. Murphy of Perry moved to amend the resolution by striking out the word "finance;" and inserting (in lieu thereof) the words "internal improvements;" and after some discussion had thereon,

On motion of Mr. Read,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The House met pursuant to adjournment.

The engrossed bills, entitled

"An act concerning the public revenue of the county of Knox;"

"An act to incorporate the Schuyler County Mutual Fire Insurance Company;"

"An act to amend an act concerning the right of way, and for other purposes;" and

"An act to legalize the acts of John Simpson, a justice of the peace Johnson county;"

Were severally read a third time and passed.

*Ordered*, That the titles of the bills be as aforesaid; that the Clerks inform the Senate of the passage thereof, and ask their concurrence therein.

The bills, entitled

"An act for the relief of the heirs of John Thompson, deceased;"

"An act to change a part of a State road therein named;"

"An act for the relief of the infant heirs of Robert Coleman, deceased"

"An act to permit William Jackson to insert a middle letter in his name;"

"An act to vacate the plat of the town of Savannah, in Iroquois county," and

"An act to incorporate the town of Fayette;"

Were severally read a second time, and

*Ordered* to be engrossed for a third reading.



The bill for "An act to declare a road from Mount Carmel to Lawrenceville a State road," was read a second time, and,

On motion of Mr. Archer,

Referred to the committee on State Roads.

The bill for "An act to divorce and change the name of Louisiana Stephenson," was read a second time.

Mr. Cunningham moved to refer it to a select committee of five.

Mr. Murphy of Vermilion moved to refer to the committee on the the Judiciary.

The question was then taken on the reference last proposed, and decided in the affirmative.

The bill for "An act to establish the county of Scott," was read a second time, and,

On motion of Mr. Henry,

Referred to a select committee.

*Ordered*, That Messrs. Henry, Allen of Greene, and Holmes, be that committee.

Mr. Maus, from the committee on Engrossed Bills, reported, as correctly engrossed, bills of the following titles, to wit:

"An act for the formation of Lake county;" and

"An act to amend an act to incorporate the Caledonia Railroad Company."

The bill for "An act to amend an act to incorporate the Caledonia Railroad Company" was read a third time and passed.

*Ordered*, That the title of the bill be as aforesaid; that the Clerk inform the Senate thereof, and ask their concurrence therein.

The bill for "An act for the formation of Lake county," was read a third time.

Mr. Craig moved to refer the bill to the committee on Counties; which was not agreed to.

On motion of Mr Naper,

The House proceeded to reconsider the vote taken on the reference proposed by Mr. Craig; and,

The question recurring on his motion, the bill was referred to the committee on Counties.

A message from the Council of Revision, by Mr. M'Lean, their Secretary:

*Mr. Speaker*: The Council of Revision have approved a bill of the following title, viz:

"An act authorizing the Governor to commission the sheriff of Peoria country."

They have returned the bill for "An act making an appropriation for the penitentiary," with their objections, which are as follows, viz:

The Council of Revision have had under consideration the act, entitled "An act making an appropriation for the Penitentiary," and return the same to the House of Representatives as improper to become a law, for the following reasons:

In the first section of the act, the sum of twenty-three hundred dollars is appropriated to defray the incidental expenses of the penitentiary from the twenty-second day of November, eighteen hundred and thirty-

eight, to the close of the present session of the General Assembly; and to pay to the Superintendent the balance due him as Superintendent, and the sum of five hundred and sixty-five dollars and sixty-three cents expended by him out of his own funds for the use of said penitentiary, and, also, to pay the sum of ten hundred and thirty-seven dollars and thirty-six cents loaned by the Inspectors to the Superintendent out of the building fund. The sums separately described, if added together, make an aggregate of fifteen hundred and ninety-two dollars and ninety-nine cents *only*, leaving a difference of eight hundred and seven dollars and eleven cents, between the whole amount appropriated and the sums to be applied to the particular objects of appropriation specified. Whether this excess is to be applied to the payment of the balance due to the Superintendent, is left, at least, doubtful; and whether that balance is the balance due him as Superintendent, the Council have no means of judging, even if it be so.

By the second section, the several sums specified in the *first* section are treated as separate appropriations, or, at least, it is left extremely doubtful whether they might not be required to be so considered, inasmuch as that section declares that "*the above appropriations shall be subject to the order and direction of the Inspectors of the penitentiary.*"

The section treats them as separate appropriations, being in the plural number. The equivocal character of the act, and the embarrassment to which it might lead in its construction by the Auditor who will be called on to issue the warrant on the Treasury, has, in the judgment of the Council, rendered it proper to return the act for further consideration.

It will also be remarked that a portion of the sums are expressed in figures, a mode which, it is respectfully suggested, ought to be avoided in all laws, and should be written out at length in words.

THOMAS CARLIN,  
THEO. W. SMITH,  
THOMAS C. BROWNE,  
WILLIAM WILSON,  
SAMUEL D. LOCKWOOD.

The Secretary then withdrew.

Mr. Ficklin moved that the House now resolve itself into a committee of the Whole House on the bill for "An act to distribute the school fund to the several counties in this State;" which was not agreed to.

On motion of Mr. English,

The House resolved into a committee of the Whole House on the bill for "An act dividing the State into judicial circuits;" and after some time spent therein, the Speaker resumed the chair, and

Mr. Webb of Alexander, their chairman, reported that the committee of the Whole House had, according to order, had said bill under consideration, and directed him to report the same back to the House without amendment.

Mr. Murphy of Vermilion moved to lay the bill on the table; which was not agreed to: when,

On motion of Mr. Hardin.

The bill was referred the committee on the Judiciary.

Mr. Flood, from the committee on Enrolled Bills, reported, as correctly enrolled, the bills of the following titles, viz.:

"An act to amend an act, entitled 'An act to incorporate the Carmi Bridge Company,' approved February 6, 1835;"

"An act to establish the county of Marshall;"

"An act to vacate the survey and plat of Garrett's addition to the town of Peoria, and also to vacate the plat of the town of Hudson, and for other purposes;" and

"An act to amend an act, entitled 'An act prescribing the mode of proceeding in chancery.'"

And then the House adjourned.

### WEDNESDAY, JANUARY 16, 1839.

The House met pursuant to adjournment.

Mr. Maus, from the committee on Engrossed Bills, reported, as correctly engrossed, bills of the following titles:

"An act supplemental to an act to regulate the action of replevin, approved January 29, 1827;"

"An act to incorporate the McKendree College;"

"An act to amend the several acts concerning administrators and apprentices;"

"An act supplemental to an act, entitled 'An act to erect certain bridges,' approved January 23, 1831;"

"An act to create the county of Du Page;" and

"An act to change an appropriation heretofore made to Clinton county."

Mr. Henderson presented petitions of sundry citizens of the counties of Putnam, Peoria, Knox, and Henry, asking for a new county; which, on his motion, was referred, without reading, to the committee on Counties.

Mr. Kent presented a petition of sundry inhabitants residing on Rock river, praying an additional appropriation for the improvement of the navigation of said river; which, on his motion, was referred, without reading, to the committee on Internal Improvements.

Mr. Stapp presented a remonstrance of sundry citizens of Knox county, against the division of said county; which, on his motion, was referred, without reading, to the committee on Counties.

Mr. Murphy of Cook presented sundry petitions of sundry citizens of McHenry county, praying for a division of said county; which, on his motion, was referred, without reading, to the committee on Counties.

Mr. Maus presented the petition of the citizens of Tremont, praying for a State road from Tremont to Dillon, in Tazewell county; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Maus, Hull, and Thomas of McLean, be that committee.

Mr. Lincoln, from the committee on Counties, to which was referred certain petitions, reported a bill for "An act to establish the counties of Menard, Logan, and Dane; which was twice read, and,

On motion of Mr. Calhoun,

Referred to a select committee of five.

Ordered, That Messrs. Calhoun, Thornton, Fisk, Roman and Lincoln, be that committee.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have passed a bill of the following title: "An act to amend an act, entitled 'An act to protect the canal lands against trespasses,' approved March 4, 1837;" in the passage of which bill they ask the concurrence of the House.

They have concurred with the House in the passage of the bill for "An act to incorporate the Menard Academy of Kaskaskia."

They have laid on the table, until the fourth day of July next, the preamble and resolution from the House of Representatives in relation to the college and seminary funds of this State. And then he withdrew.

Mr. Naper, from the committee on Claims, to which was referred certain petitions in behalf of John Hewitt, reported the same, and asked to be discharged from the further consideration thereof; which was granted.

Mr. Ficklin, from the committee on the Judiciary, to which was referred a bill for "An act to amend the several laws in this State regulating elections," reported the same with amendments; which were read, and concurred in.

On motion of Mr. Smith of Wabash,

The bill was further amended, by adding thereto, as an additional section, the following:

SEC. 5. That special elections for members of the General Assembly, to fill vacancies, during the sessions of the General Assembly, may be held on such notice, not less than seven days, nor more than twenty days, as the Governor may direct.

On motion of Mr. Robinson,

The first section of the bill was further amended by striking out the word "and," in the 13th line of said section, and inserting the word "or," in lieu thereof.

Mr. Fisk moved further to amend the first section of the bill, by adding thereto the following proviso:

"*Provided*, No such person shall incur such penalty, whom the judges, after being made acquainted with the facts, shall have decided to be a legal voter."

Mr. Henderson moved to amend the amendment, by adding thereto the following:

"*And provided, also*, That if the judges of any election shall receive any illegal vote or votes, the judges so receiving said illegal vote or votes shall incur the penalty aforesaid for each illegal vote so received."

*And provided, further*, That in all elections hereafter held, no person shall vote, except it be in the precinct in which he resides.

And after some discussion had thereon, the House adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The engrossed bills, entitled

"An act to create the county of Du Page;"

"An act to amend the several acts concerning administrators and apprentices;"

"An act supplemental to an act, entitled 'An act, to erect certain bridges,' approved January 23, 1831;" and

"An act to incorporate the McKendree College;"

Were severally read a third time, and passed.

*Ordered*, That the titles thereof be as aforesaid; that the Clerk inform the Senate of the passage thereof, and ask their concurrence therein.

On motion of Mr. Naper,

The orders of the day were dispensed with, and the bill for "An act to repeal part of an act to incorporate the city of Chicago," was taken up and passed.

*Ordered*, That the title of the bill be as aforesaid; that the Clerk inform the Senate of the passage thereof, and ask their concurrence therein.

On motion of Mr. R. Smith,

The bill for "An act making an appropriation for the penitentiary;" together with the objections of the Council of Revision thereto, was taken up; and, on his further motion, referred to the committee on the Penitentiary.

The engrossed bill for "An act to change an appropriation heretofore made to Clinton county," was read a third time, and

On motion of Mr. Crain,

Laid on the table.

Mr. Flood, from the committee on Enrolled Bills, reported as correctly enrolled, a bill, entitled "An act for the relief of the late Warden of the penitentiary."

The bill for "An act to change a part of the State road from Palestine to Shelbyville," was read a second time, and

On motion of Mr. Archer,

Referred to the committee on State roads.

The amendments made by the Senate to the bill from the House for "An act, entitled 'An act to provide for the collection of demands growing out of contracts for sales of the possession of the public lands,'" were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The bill from the Senate, for "An act to change part of a certain State road in Morgan county," was twice read, and

*Ordered* to a third reading.

The bill from the Senate for "An act authorizing the county commissioners' courts to establish and change State roads," was twice read, and,

On motion of Mr. English,

Referred to the committee on State roads.

The bill from the Senate for "An act for the relief of Robert Davis and others," was twice read, and

On motion of Mr. Murphy of Vermilion,

Referred to the committee on Finance.

The bill from the Senate for "An act to amend an act, entitled 'An act to protect the canal lands against trespasses,' approved March 4, 1837," was twice read, and

On motion of Mr. Murphy of Perry,

Referred to the committee on Canals and Canal Lands.

The Speaker laid before the House a communication from the President of the Board of Public Works, relative to a resolution of the House of Representatives calling for a report from D. Burr, Esq., engineer of the States of Indiana and Illinois, on the Great Wabash river improvement; which was read, and,

On motion of Mr. Rawalt,

Laid on the table.

Mr. Flood, from the committee on Enrolled Bills, reported that bills of the following titles had been laid before the Council of Revision, viz:

"An act to amend an act entitled 'An act to incorporate the Carmi Bridge Company,' approved February 6, 1835;"

"An act to establish the county of Marshall;"

"An act to vacate the survey and plat of Garrett's addition to the town of Peoria, and also to vacate the plat of the town of Hudson, and for other purposes;" and

"An act to amend an act, entitled 'An act prescribing the mode of proceeding in chancery.'"

The question pending yesterday forenoon, when the House adjourned, being the motion made by Mr. Murphy of Perry, to amend the resolution offered by Mr. Henry proposing an inquiry into the propriety of classifying or curtailing the present system of Internal Improvement, by striking out the word "finance," and inserting the words "internal improvements," again coming up for consideration:

On motion of Mr. Murphy of Vermilion,

The resolution and amendment were laid on the table.

Mr. Maus, from the committee on Engrossed Bills, reported, as correctly engrossed, bills of the following titles, viz.

"An act to incorporate the Springfield High School Association;"

"An act to incorporate the Illinois Insurance Company;"

"An act to regulate public stages and the law of the road;"

"An act making the office of school commissioner elective by the people;" and

"An act to change the name of the town of Charleston, in the county of Kane, to that of St. Charles."

Mr. Hardin moved that the House resolve itself into a committee of the Whole, on the resolutions relative to the public depositories; which was not agreed to.

Mr. Edmonston moved that the House adjourn; which was decided in the negative.

On motion of Mr. Pace,

The committee of the Whole were discharged from the consideration of the several resolutions relative to the public depositories.

The resolutions proposed by Mr. Smith of Wabash, and the proposed

amendment of Mr. Walker of Vermilion thereto, in relation to the last named subject, were then considered, and

On motion of Mr. Hardin,

Laid on the table.

The resolutions from the Senate in relation to the public deposits coming up for consideration,

Mr. Murphy of Cook moved to lay the same on the table.

Mr. Wood moved that the House adjourn; which was not agreed to.

The question was then put—"Shall the resolutions be laid on the table?"

And decided in the negative.

Mr. Pace moved to amend the first resolution by striking out the word "partiality," and insert "policy."

Mr. Churchill moved to amend the resolutions by striking out all after the word "resolved," except the second resolution; which motion was decided in the negative, by yeas and nays, as follows, upon the call of Messrs. Williams and Murphy of Vermilion, viz:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copland, Crain, Daley, English, Fisk, Flood, Foster, French, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Kercheval, Logan, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Naper, Robinson, Roman, Smith of Wabash, Robert Smith, Thomas of St. Clair, Walker of Vermilion, Zimmerman, and Mr. Speaker—40.

Those who voted in the negative, are,

Messrs. Aldrich, Archer, Baker, Craig, Cunningham, Dawson, Dubois, Dunn, Edmonston, Edwards, Elkin, Elliott, Emmerson, Ficklin, Gilham, Hardin, Henderson, Holmes, Hull, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, Maus, Menard, Murphy of Vermilion, Otwell, Pace, Philips, Rawalt, Read, Roberts, George Smith, Stapp, Thomas of McLean, Walker of Fulton, Webb of Alexander, Webb of White, Williams, and Wood—45.

The question then recurred on Mr. Pace's amendment; and after discussion had thereon,

The House adjourned.

### THURSDAY, JANUARY 17, 1839.

House met pursuant to adjournment.

Mr. Flood, from the committee on Enrolled Bills, reported that a bill, entitled "An act for the relief of the late Warden of the penitentiary," had been laid before the Council of Revision.

Mr. R. Smith presented a petition of William T. Brown, clerk of the circuit court of Madison county, asking authority to rebind certain books; which, without reading, was referred, on his motion, to the committee on the Judiciary.

Mr. Kercheval presented the petition of William M. Larrabee, administrator of the estate of James Spence, deceased, for relief; which,

without reading, was referred, on his motion, to the committee on Canals and Canal Lands.

Mr. Churchill presented a petition of sundry citizens of the county of La Salle, praying the passage of an act authorizing the collecting a tax and building a poor-house in said county; which was read, and referred, on his motion, to the committee on Finance.

Mr. Cloud presented a poll-book and certificate of an election held in Morgan county, on the subject of a division of said county, in 1837; which was referred, without reading, on his motion, to the committee on Counties.

Mr. Kent presented a petition of sundry citizens of Winnebago county, praying the relocation of a part of a State road therein named; which was referred, without reading, on his motion, to the committee on State Roads.

Mr. Ficklin presented a petition of sundry citizens of Coles county, praying for an appropriation to construct bridges across the Embarrass, and Kaskaskia rivers; which, on his motion, was referred, without reading, to a select committee of seven.

*Ordered*, That Messrs. Ficklin, McMillan, Archer, Gouge, Elkin, Hankins, and Houston, be that committee.

Mr. Webb of White, from the committee on the Judiciary, reported a bill for "An act authorizing patents to be recorded, and certain copies to be read in evidence;" which was read the first time, and

*Ordered* to a second reading.

Mr. Webb of White, from the committee on the Judiciary, to which was referred a bill from the Senate for "An act to authorize the county commissioners' courts to recover certain moneys by them heretofore loaned," reported the same with an amendment, which was read, and concurred in, and the bill, as amended,

*Ordered* to a third reading.

Mr. Fisk, from the committee on the Judiciary, to which was referred a resolution relative to the abolishing of capital punishment in all cases, reported the same, and asked to be discharged from the further consideration thereof; which was granted.

Mr. Webb of White, from the committee on the Judiciary, to which was referred the petition of twenty-one citizens of the town of Juliet, in Will county, praying this Legislature to pass resolutions declaring that Congress have the right to abolish slavery in the District of Columbia, reported the same, and asked to be discharged from the further consideration thereof; which was granted.

Mr. Ficklin, from the committee on the Judiciary, to which was referred a bill for "An act to prevent the circulation of bank notes of a less denomination than five dollars," reported the same with an amendment; which was read, and concurred in, and the bill, as amended,

*Ordered* to be engrossed for a third reading.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred the bill from the Senate for "An act to amend an act, entitled 'An act to incorporate the Cairo City and Canal Company,'" reported the same without amendment; and the bill was

*Ordered* to a third reading.



Mr. R. Smith, from the select committee to which was referred the bill for "An act making an appropriation for the penitentiary," with the objections of the Council of Revision to the same becoming a law, reported the said bill with sundry amendments; which were read and concurred in.

The bill, as amended, was repassed.

*Ordered*, That the title thereof be as aforesaid.

*Ordered*, That the Clerk carry the bill, together with the objections of the Council of Revision thereto, and the amendments made by this House, to the Senate; that he inform the Senate of the re-passage thereof, as amended by this House, and ask their concurrence therein.

Mr. Lincoln, from the committee on Finance, to which was referred a resolution directing an inquiry into the expediency of a purchase, by the State of Illinois, from the United States' Government, of the unsold public lands within the limits of said State, made the following report, to wit:

The Committee on Finance, to which was referred a resolution of this House instructing them to inquire into the expediency of proposing to purchase of the Government of the United States all the unsold lands lying within the limits of the State of Illinois, have had the same under consideration, and report:

That, in their opinion, if such purchase could be made on reasonable terms, two objects of high importance to the State might thereby be effected—first, acquire control over all the territory within the limits of the State—and, second, acquire an important source of revenue.

We will examine these two points in their order, and with special reference to their bearing upon our internal improvement system.

In the first place, then, we are now so far advanced in a general system of internal improvements that, if we would, we cannot retreat from it, without disgrace and great loss. The conclusion then is, that we *must* advance; and if so, the first reason for the State acquiring title to the public lands is, that while we are at great expense in improving the country, and thereby enhancing the value of all the real property within its limits, that enhancement may attach exclusively to property owned by *ourselves* as a State, or to its citizens as individuals, and *not* to that owned by the Government of the United States. Again, it is conceded every where, as we believe, that Illinois surpasses every other spot of equal extent upon the face of the globe, in *fertility* of soil, and in the proportionable amount of the same which is sufficiently level for actual cultivation; and consequently that she is endowed by nature with the capacity of sustaining a greater amount of agricultural wealth and population than any other equal extent of territory in the world. To such an amount of wealth and population, our internal improvement system, now so alarming, in view of its having to be borne by our present numbers, and with our present means, would be a burden of no sort of consequence. How important, then, is it that all our energies should be exerted to bring that wealth and population among us as speedily as possible. But what, it may be asked, can the ownership of the land by the State do towards the accomplishment of that desirable object? It may be answered that the chief obstruction to the more rapid settlement

of our country is found in the fact that so much of our best lands lie so remote from timber—an obstruction that, did our State but own those lands, our Legislature might do much towards removing, by extending encouragement in the shape of donations, exemptions from ordinary burdens, or otherwise, to the rearing and cultivating of timber, or to the invention of means of building and enclosure that might dispense with the present profuse use of timber. This, then, is another reason why the State should desire the control of all the lands within its limits.

Looking to these lands in the second point of view, to wit: as a source of revenue, your committee submit the following: There are now of unsold lands in the State of Illinois, twenty millions of acres, more or less. Should we purchase all of them, at 25 cents per acre, they would cost us five millions of dollars. This sum we might borrow, and the proceeds of the sales of the lands, at the present price of \$1 25 per acre, would repay the principal, together with the interest thereon, at five per cent. for thirty years, and one-half the lands still be left us.

In a very short time we shall have contracted a very heavy debt for the construction of public works; and yet those works will remain for a time so incomplete as to return us nothing; meanwhile the interest upon our debt must be paid. When this juncture shall arrive (as surely it will) we shall find ourselves at a point which may aptly be likened to the dead point in the steam-engine—a point extremely difficult of turning—but which, when once turned, will present no further difficulty, and all will again be well. The aid that we might derive in that *particular juncture*, by the purchase of the public lands, affords, in the opinion of the committee, the strongest reason for making that purchase. The annual proceeds of the sales of those lands, should the subsequent sales bear any proportion to those of former times, will pay the interest on the loan created for their own purchase, and also upon many millions of our internal improvement loans; and that, too, at that *particular time* when we shall have but *very small, if any* other, means of paying it. And finally, when our public works shall be completed, and consequently able to sustain themselves, the proceeds of the sales of the lands may be diverted to the payment of the original debt contracted for the purchase of them. To show that we are not mistaken in saying that the proceeds of the sales of the lands will annually pay the interest on their own loan, and also on a large amount of the internal improvement loan, it is only necessary to state that the interest on the land loan would be but five hundred thousand dollars, annually, and that the proceeds of the sales of the public lands in this State have, in one instance, been about three millions a year (the committee speak from memory only;) so that, should the average of the subsequent sales be half as large, we still should have left one million annually, to pay interest on our internal improvement debt.

The only remaining question is, whether there is any *probability* of the General Government accepting such a proposal. We think there are some reasons for believing it would. It would relieve the General Government from a perpetual source of expensive and vexatious legislation, which, perhaps, annually absorbs one-tenth of all it receives from that source of revenue. She would receive of us, at once, and without trouble, five millions of dollars—a sum one-third part as large as she

paid a foreign government for the Louisiana territory, then including what are now the States of Louisiana, Arkansas, and Missouri—and receive it, too, after having received of us, for lands already sold, a sum equal to the whole sum paid for the Louisiana territory; and she would receive that five millions of dollars at a time when she is in most particular need of money.

But should your committee be mistaken; should there be no *probability* of the General Government accepting our proposal, still, it is believed no evil can follow the making it.

The committee, therefore, submit the following resolutions:

*Resolved by the General Assembly of the State of Illinois*, That the said State propose to purchase of the Government of the United States all the lands not sold or otherwise disposed of, within the limits of said State, at the rate of twenty-five cents per acre, to be paid (unless otherwise agreed upon) at such time as the said Government of the United States shall deliver over to the authorities of the said State of Illinois all the plats, field notes, &c. pertaining to the surveys of said lands.

*Resolved*, That the faith of the said State of Illinois is hereby irrevocably pledged to carry into effect the foregoing proposal, if the Government of the United States shall accept the same within two years from the passage hereof.

*Resolved*, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure the passage of a law or resolution of Congress accepting the foregoing proposal.

*Resolved*, That the Governor be requested to transmit a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

On motion of Mr. Rawalt,

The report and resolutions were laid on the table, and ordered to be printed.

Mr. Ficklin, from the committee on the Judiciary, to which was referred "An act to change the manner of voting at elections, and for other purposes," reported the same without amendment, and recommended its rejection.

On motion of Mr. Murphy of Vermilion,

The bill was laid on the table.

Mr. Fisk, from the committee on the Judiciary, to which was referred a bill for "An act to amend the law in relation to the redemption of real estate," reported the same without amendment, and recommended its rejection; when,

On motion of Mr. Craig,

It was laid on the table.

Mr. Maus, from the committee on Engrossed Bills, reported, as correctly engrossed, bills of the following titles, to wit:

"An act for the relief of the infant heirs of Robert Coleman, deceased;"

"An act to authorize Ezra Baker, jr. and Henry I. Mills to erect a mill-dam across the Little Wabash river;"

"An act to incorporate the town of Fayette;"

"An act to vacate the plat of the town of Savannah, in Iroquois county;"

"An act to authorize Henry W. Cleaveland to build a toll-bridge across the Winnebago swamp;"

"An act for the relief of the heirs of John Thompson, deceased;"

"An act regulating evidence in certain cases;"

"An act to permit William Jackson to insert a middle letter in his name;" and

"An act to change a part of a State road therein named."

Mr. Moore, from the committee on Counties, made the following report:

The committee on Counties, to which were referred the petitions and remonstrance of the citizens of Fulton county, for and against the removal of the county seat of said county, beg leave to report:

That they have carefully examined the petitions and remonstrance, and find 1,357 names signed to the petitions, and 1,326 names signed to the remonstrance; they also find that, from the affidavits of different individuals, 206 persons signed the remonstrance, after having signed the petitions; which number, your committee are of opinion, should be taken from the petition, and would leave a majority of 175 in favor of the remonstrance, and against the removal of the county seat. Your committee would also remark that, from the affidavits of sundry individuals, it appears that the persons signing the remonstrance were legal voters and residents of Fulton county. From all the facts which your committee are in possession of, it appears that a decided majority of the legal voters of Fulton county are opposed to a removal of the county seat of said county; and, whilst a law of this State is in force, declaring "that no county seat shall be removed without the consent of a majority of the legal voters of such county." your committee are of opinion that the prayer of the petitioners ought not to be granted, and ask leave to be discharged from the further consideration of the subject; which was read and concurred in.

Mr. Ficklin, from the committee on the Judiciary, to which were referred the petitions for the relief of the heirs of Daniel Dry, reported the same back to the House, and asked to be discharged from the further consideration of the same; which was granted.

On motion of Mr. Murphy of Perry,

The petitions were referred to a select committee.

*Ordered*, That Messrs. Murphy of Perry, Menard, and Roman, be that committee.

Mr. Cloud, from the select committee, to which was referred a certain petition, reported a bill for "An act to constitute the town of Manchester a justice's and constable's district;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Churchill, from the select committee, to which was referred a certain petition, reported a bill for "An act to incorporate the Elgin academy;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Flood, from the select committee, to which were referred bills for "An act further to define the duties of justices of the peace and constables," and "An act to amend the acts in relation to constables," reported the same without amendment; which were severally

*Ordered* to be engrossed for a third reading.

Mr. Smith of Wabash, from the select committee to which was referred a certain petition, reported a bill for "An act to authorize L. D. Hilerman to build a mill-dam across the Little Wabash river, in Clay county;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Archer, from the select committee to which was referred a certain petition, reported a bill for "An act declaring Mill and Big creeks navigable, in Clark county;" which was read the first time, and

*Ordered* to a second reading.

Mr. Alexander, from the select committee to which was referred a bill for "An act to improve the navigation of the Embarrass river," reported the same without amendment, and recommended a reference to the committee on Internal Improvements; which was so referred.

Mr. Hull, from the select committee to which was referred a certain petition, reported a bill for an "An act to vacate the town plat of the town of Auburn;" which was twice read, and

*Ordered* to be engrossed for a third reading.

On motion of Mr. Cloud,

*Resolved*, That the Assistant Door-keeper of this House be authorized to call to his assistance any boy he may think proper to assist in carrying messages and other papers to the Clerk's table.

On motion of Mr. Flood,

*Resolved*, That the committee on the Militia be instructed to inquire into the propriety of amending the militia laws of this State, so as to embrace the following provisions, viz:

That the brigade inspector shall attend all regimental and brigade drill-musters for the purpose of instructing the officers in military tactics:

That in all counties in which there are more than one regiment, in addition to the regimental drill-muster, a county drill-muster shall be held annually—at or as near a central position as a suitable point can be obtained—at which all the commissioned officers shall attend; which drill shall continue not less than two nor more than five days:

That the mode of electing regimental and company officers shall be changed, so as that the elections shall be held on the day, and at the place, of holding regimental and company musters:

That the court, for the assessment of fines, shall be composed of the captains of the regiment only; and that the court of appeals shall be composed of the regimental field officers, to be held after the court for the assessment of fines, in the same year; and that they report by bill or otherwise.

On motion of Mr. Churchill,

*Resolved*, That the committee on Internal Improvements be instructed to inquire into the propriety of appropriating the sum of five thousand dollars, or any other sum they may deem advisable, for the purpose of removing the detached rock in the bed of the Illinois river, between Peru and Ottawa; and that they report by bill or otherwise.

On motion of Mr. Smith of Wabash,

*Resolved*, That the Public Printer be requested to furnish each member of the Senate and House of Representatives with a copy of the reports of the Board of Public Works, and of the Board of Canal Commissioners,

so far as the same are printed; and also to furnish the successive sheets as they are printed.

On motion of Mr. Morgan,

*Resolved*, That the committee on Internal Improvements be instructed to inquire into the expediency of turnpiking that part of the Kaskaskia and St. Louis road which passes over the American Bottom, from the bluff at Michael Palmer's, in Monroe county, to intersect the western mail route at Illinois town, in St. Clair county; and report by bill or otherwise.

On motion of Mr. Johnson,

The following preamble and resolution were adopted, viz:

*Whereas* the county of Bond is one of those through which no railroad passes, and has received her distributive share of the \$200,000 from the Internal Improvement system: and whereas the condition of said county is very peculiarly situated at this time, from the fact that it is uncertain whether the Cumberland road will pass on the Alton or the St. Louis route; it may therefore be seen, at once, that it would be bad policy to make permanent improvements on either of these roads before it is ascertained which route this road will pass, as the amount expended on the road on the route of said Cumberland road would be measurably lost, as Government would make all the work necessary: and whereas the county commissioners of said county were of opinion that there was not an immediate opening to expend said money to an advantage, thought fit, in their wisdom, to loan it at 12 per cent. with the view of expending the interest for the purposes for which said appropriation was made: Therefore,

*Resolved*, That the committee on the Judiciary be instructed to report a bill which will authorize said commissioners to continue to loan the principal, and expend the interest only for the object for which the appropriation was made, until they find it expedient to expend the principal also.

On motion of Mr. Naper,

The vote taken on concurring in the report of the committee on Counties, in relation to the removal of the county seat of Fulton county, was reconsidered; and,

On motion of Mr. Rawalt,

The report, petitions, and remonstrances were referred to a select committee of five.

*Ordered*, That Messrs. Rawalt, Walker of Fulton, Brown, Stapp, and Cloud, be that committee.

On motion of Mr. Carpenter,

*Resolved*, That the committee on Internal Improvements be requested to inquire into the propriety and expediency of constructing a railroad or turnpike road from McLeansboro to Equality, by authority of the State; and, if said committee should report a bill for that purpose, that they be instructed to provide that the money heretofore appropriated to the county of Hamilton be expended in the construction of said road.

On motion of Mr. George Smith,

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of making provision by law requiring county treasurers

to keep their offices at the county seats of their respective counties; and that they report by bill or otherwise.

On motion of Mr. Rawalt,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of amending the act in relation to common schools, approved March 4th, 1837, so as to authorize the inhabitants of two townships (where the peculiar settlement would require the same) to organize so as to have the benefit of the above named act.

On motion of Mr. Smith of Wabash,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the 14th section of the "Act concerning judgments and executions," as to authorize sheriffs, or other officers who may sell lands under executions issued in foreign counties, to acknowledge the deeds therefor before the clerks of the county commissioners' court of the county wherein the lands sold are situated.

On motion of Mr. Archer,

*Resolved*, That the committee on Internal Improvements be requested and instructed to inquire into the justness and expediency of making an appropriation to improve the State road from Vincennes to Chicago; and that they report by bill or otherwise.

Mr. Logan, on leave given, introduced a bill for "An act to incorporate the Mississippi and Grand Tower Bridge Company;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Edwards, on leave given, introduced a bill for "An act in relation to the town of Springfield;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Aldrich, on leave given, introduced a bill for "An act to incorporate the Des Moines Rapids Railroad Company." And then the House adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The bill from the Senate for "An act to change part of a certain State road in Morgan county," was read a third time.

Mr. Archer moved to refer it to the committee on State Roads; which was not agreed to.

The question was then put—"Shall the bill pass?"

And decided in the affirmative.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the concurrence of this House in the passage thereof.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have concurred with them in their amendments to, and in the passage of the bill, entitled "An act making an appropriation for the Penitentiary," which was returned to the House by the Council of Revision, and amended by them to obviate the objections of the Council thereto. And then he withdrew.

On motion of Mr. Murphy of Vermilion,

The following was adopted, viz:

*Whereas* the business of this House is rapidly increasing, and necessarily the business before the various committees; in consequence of which, committees have to devote a portion of the evenings to preparing the business in their hands, and having no other convenient rooms in which to meet than the State house: Therefore,

*Resolved*, That the Door-keeper be instructed to reserve the use of this hall for the above purposes, on each evening, unless otherwise instructed by this House.

The question pending last evening, when the House adjourned, being the motion of Mr. Pace, to amend the first resolution from the Senate, in relation to the public deposits, by striking out "partiality," and inserting "policy," coming up for consideration,

Mr. Cloud moved to amend the resolutions by striking out all after the word "resolved," and inserting the following, viz:

That we consider it but just and right, while the General Government continues to make deposits with State banks, that the banks in the States in which the revenue is collected should be employed as such depositories, where such banks do not render themselves incapable of becoming deposit banks under the acts of Congress regulating the deposits of public moneys.

*Resolved*, That as citizens of Illinois, and representatives of the people thereof, we view with regret the deposit of public money, collected from our own citizens in our own State, in the Bank of Missouri, to the detriment of the citizens and banks of our own State.

*Resolved*, That if the State Bank of Illinois and the Bank of Illinois at Shawneetown shall comply with the regulations enacted by Congress in reference to deposits, and shall properly authenticate that fact to the proper department, we, as the representatives of the people of the State of Illinois, respectfully, yet earnestly ask, and claim as an act of justice, the deposit of the revenue collected in this State to be made in the banks thereof, so long as the Government shall continue to deposit her funds with the State banks, and so long as the banks of the State conform to the acts of Congress on the subject of deposits.

*Resolved*, That if the General Government shall neglect and refuse to deposit the money collected in this State in the banks thereof, after evidence is laid before the proper department that the banks of Illinois have removed all disabilities on their part to become deposit banks, the people of the State will have just grounds to complain of the policy of the General Government, as unfair and partial.

*Resolved*, That, if proper evidence be given to our Senators and Representatives that the banks of Illinois come within the purview of the deposit act, our Senators be instructed, and our Representatives requested, to use their influence to procure the deposits for the banks of this State.

*Resolved*, That the Governor be requested to forward a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

Mr. Webb of White called for a division of the question, so as to take the question upon striking out.



The question was then taken upon striking out, and decided in the negative, by yeas and nays, as follow, upon the call of Messrs. Cloud and Murphy of Vermilion, viz:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copland, Crain, Daley, Edmonston, English, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Harkins, Happy, Harris, Houston, Kercheval, Logan, McWilliams, Maus, Moore, Murphy of Cook, Naper, Pace, Robinson, Roman, Robert Smith, Thomas of St. Clair, Walker of Vermilion, Webb of Alexander, Wood, Zimmerman, and Mr. Speaker—43.

Those who voted in the negative, are,

Messrs. Aldrich, Archer, Baker, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Emmerson, Ficklin, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, Menard, Morgan, Murphy of Perry, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, Smith of Wabash, George Smith, Stapp, Thomas of McLean, Thornton, Walker of Fulton, Webb of White, and Williams—45.

Mr. Flood moved that the House adjourn; which was not agreed to.

The question was then taken on the amendment proposed by Mr. Pace, and decided in the affirmative, by yeas and nays, as follow, upon the call of Messrs. Robert Smith and Happy, viz:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copland, Craig, Crain, Cunningham, Daley, Edmonston, English, Ficklin, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Harkins, Happy, Harris, Houston, Kercheval, Logan, McCormick, McMillan, McWilliams, Maus, Moore, Morgan, Murphy of Cook, Murphy of Perry, Naper, Pace, Robinson, Roman, Smith of Wabash, Rob't Smith, Thomas of St. Clair, Thornton, Walker of Fulton, Walker of Vermilion, Webb of Alexander, Williams, Wood, Zimmerman, and Mr. Speaker—54.

Those who voted in the negative, are,

Messrs. Aldrich, Archer, Baker, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Emmerson, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCutchen, Menard, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, George Smith, Stapp, Thomas of McLean, and Webb of White—34.

On motion of Mr. Calhoun,

The 5th resolution was stricken out.

Mr. Happy moved to amend the 7th resolution, by striking out all after the word "therein."

Mr. Lincoln moved to lay the whole on the table until the 4th day of July next.

Mr. Happy moved that the House adjourn; which was not agreed to.

The question was then taken on the motion of Mr. Lincoln, and decided in the affirmative, by yeas and nays, as follow, upon the call of Messrs. Harkins and Green of Clay, viz:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Carpenter, Churchill, Cloud, Compher, Copland, Crain, Daley, Dubois, English, Ficklin, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Harris, Henderson, Holmes Houston, Kercheval, Lincoln, Logan, Lyons, McCormick, McMillan, McWilliams, Moore, Murphy of Cook Naper, Read, Robinson, Roman, George Smith, Walker of Vermilion, Webb of Alexander, Zimmerman, and Mr. Speaker—46.

Those who voted in the negative, are,

Messrs. Aldrich, Archer, Baker, Calhoun, Craig, Cunningham, Dawson, Dunn, Edmonston, Edwards, Elkin, Elliott, Emmerson, Gilham, Hardin, Henry, Hull, Johnson, Jones, Kent, Kerr, McCutchen, Maus, Menard, Morgan, Murphy of Perry, Murphy of Vermilion, Otwell, Pace, Philips, Rawalt, Roberts, Smith of Wabash, Robert Smith, Stapp, Thomas of M'Lean, Thomas of St. Clair, Thornton, Walker of Fulton, Webb of White, Williams, and Wood—42.

*Ordered*, That the Clerk inform the Senate thereof.

And then the House adjourned.

## FRIDAY, JANUARY 18, 1839.

House met pursuant to adjournment.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have adopted the following resolution, viz:

*Resolved*, by the people of the State of Illinois, represented in the General Assembly, that our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure the adoption of the following amendment to the Constitution of the United States, to wit:

“No person shall, after the fourth day of March, in the year of our Lord one thousand eight hundred and forty-one, hold the office of President of the United States longer than four years, in any term of eight years.” In the adoption of which they ask the concurrence of the House of Representatives.

They have also passed bills of the following titles, viz:

“An act to change the name of the town of Augusta, in Pike county;”

“An act to increase the corporate powers of the town of Chester;”

“An act to prohibit betting on elections;”

“An act supplemental to an act, entitled ‘An act to erect certain bridges,’ approved January 3, 1827;”

“An act relating to the towns therein named;”

“An act to vacate the survey and plat of the town of Middletown;”

“An act to amend an act concerning justices of the peace and constables, approved February 3, 1827;”

“An act for the relief of the judge of the sixth judicial circuit of the State of Illinois;”

“An act to amend an act, entitled ‘An act forming an additional justice’s district in the county of Randolph;”

"An act providing for the improvement of certain roads in Edgar county;"

"An act concerning the town of Lynnville;"

"An act to provide for publishing the decisions of the Supreme Court;"

"An act to amend an act to incorporate the Union College of Illinois;"

"An act authorizing the building of certain bridges, and changing certain appropriations;"

"An act to incorporate the Central Seminary of Illinois;"

"An act to legalize the survey of the town of Carthage;"

"An act to locate a State road from Shelbyville to Danville;"

"An act to authorize George W. Jones to establish a ferry from Jordan's ferry to Dubuque;"

"An act authorizing the county commissioners' court of Randolph county to change and alter State roads in said county;"

"An act to establish the Illinois Asylum for the education of the deaf and dumb;"

"An act to change a part of the State road from Peoria to Knoxville, in Knox county, and for other purposes;" and

"An act to relocate the State road from Atlas, in Pike county, to the south line of Adams county." In the passage of which several bills they ask the concurrence of the House of Representatives. And then he withdrew.

On motion of Mr. Ficklin,

The bill for "An act to construct bridges across the Kaskaskia and Embarrass rivers, at or near the points where the Springfield trace crosses said streams, and for other purposes," was taken up, and referred to the same select committee to which was referred a petition on the same subject.

Mr. G. Smith presented the remonstrance of certain citizens of Upper Alton, Madison county, against the repeal of an act incorporating said town of Upper Alton; which, on his motion, without reading, was referred to the same select committee to which was referred a petition on the same subject.

Mr. Johnson presented a petition of the citizens of Greenville, in the county of Bond, praying for a special incorporation act for said town; which, on his motion, without reading, was referred to a select committee of five.

*Ordered*, That Messrs. Johnson, Roman, Otwell, Fisk, and Green of Clay, be that committee.

Mr. Read presented a petition of many residents of Pope county, for a division thereof; which, on his motion, without reading, was referred to the committee on Counties.

Mr. Hull presented the petition of the inhabitants of the town of Pekin, praying for an act of incorporation; which, on his motion, without reading, was referred to a select committee.

*Ordered*, That Messrs. Hull, Moore, and Maus, be that committee.

Mr. Hull presented the petition of sundry citizens of Tazewell county, praying for the repeal of the law granting licenses for retailing spir-

ituous liquors; which, on his motion, without reading, was referred to the committee on the Judiciary.

Mr. Ficklin, from the committee on the Judiciary, to which was referred a certain resolution relative to making the firing of woods and prairies a penitentiary offence, reported the same, and asked to be discharged from the further consideration thereof; which was granted.

On motion of Mr. Murphy of Vermilion,

The bill for "An act to change the manner of voting at elections, and for other purposes," was taken up, and,

On motion of Mr. Henderson,

Referred to the committee on Elections.

Mr. McCutchen, from the committee on the Judiciary, to which was referred a bill for "An act to amend the several acts concerning justices of the peace and constables," reported the same without amendment, and recommended its rejection.

On motion of Mr. Williams,

It was referred to a select committee of five.

Ordered, That Messrs. Williams, Henderson, Murphy of Vermilion, Roberts, and Jones, be that committee.

Mr. Edmonston, from the select committee to which was referred the petition of sundry citizens of McDonough county, praying the establishment of a State road from Macomb to Ellisville, reported the same, and asked to be discharged from the further consideration thereof; which was granted.

Mr. Alexander, from the select committee to which was referred a bill for "An act authorizing the improvement of the Big Muddy river," reported the same with an amendment; when,

On motion of Mr. Carpenter,

The bill and amendment were laid on the table.

Mr. Calhoun, from the select committee to which was referred a bill for "An act to establish the counties of Menard, Logan, and Dane," reported the same with amendments; which were read.

Mr. Lincoln called for a division, so as to take the question on each amendment separately.

The question was then taken separately on the amendments to sections 1, 2, and 8; and they were severally rejected.

The question was then taken separately on the amendments to sections 4, 3, and 13; and they were severally concurred in.

On motion of Mr. Dawson,

The following was added as an additional section:

SEC. 15. The judges of the several election precincts within the aforesaid counties shall meet, at the several places hereinafter named, on the second day after said election, to compare their respective polls—in the county of Menard, at the town of Petersburg; in the county of Logan, at the town of Pulaski; in the county of Dane, at the town of Alenton.

On motion of Mr. Lincoln,

The blank in the 4th section was filled with the word "Newton."

On motion of Mr. Elkin,

The blank in the 10th section was filled with the word "April."

On motion of Mr. Elkin,

The blank in the 12th section was filled with the word "first."  
Mr. Lincoln moved to fill the blank in the 6th section with "\$3,000."  
Mr. Maus moved "\$7,000;" which was not agreed to.  
The question was then taken on filling the blank with "\$3,000," and decided in the affirmative. The bill was then  
*Ordered* to be engrossed for a third reading.  
The House then adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.  
The engrossed bills, entitled  
"An act, regulating evidence in certain cases;" and  
"An act to change the name of the town of Charleston, in the county of Kane, to that of St. Charles;"  
Were severally read a third time and passed.  
*Ordered*, That the titles thereof be as aforesaid; that the Clerk inform the Senate of the passage thereof, and ask their concurrence therein.  
The engrossed bill, entitled "An act making the office of school commissioner elective by the people," was read a third time.  
The question—"Shall the bill pass?" was decided in the affirmative, by yeas and nays, on the call of Messrs. Edmonston and McWilliams, as follow:

Those who voted in the affirmative, are,  
Messrs. Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Crain, Daley, Dawson, Edmonston, Edwards, Elkin, Emmerson, English, Fisk, Flood, Foster, French, Gouge, Green of Greene, Hankins, Happy, Henderson, Holmes, Houston, Johnson, Kerr, Logan, McCormick, McMillan, McWilliams, Moore, Murphy of Cook, Murphy of Vermilion, Naper, Rawalt, Read, Roberts, Roman, Smith of Wabash, R. Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Williams, Zimmerman, and Mr. Speaker—54.  
Those who voted in the negative, are,  
Messrs. Aldrich, Baker, Craig, Gilham, Henry, Jones, Kent, Kerneval, Lincoln, McCutchen, Menard, Morgan, Otwell, Pace, Philips, G. Smith, and Thornton—17.

*Ordered*, That the title of the bill be as aforesaid; that the Clerk inform the Senate of the passage thereof, and ask their concurrence therein.  
The engrossed bill, entitled "An act regulating public stages and the use of the road," was read a third time.

Mr. Hardin moved to amend the first section, by adding thereto the following proviso:

"*Provided*, That this section shall not be construed to apply to any case, unless some injury to persons or property shall occur by the driver of the carriage or wagon refusing to turn to the right of the beaten track."

Mr. Hardin further moved to refer the bill and amendment to a select committee.

Mr. Naper moved to lay them on the table until the 4th July next; which was not agreed to.

The question then recurred on the reference proposed by Mr. Hardin, and was decided in the affirmative.

*Ordered,* That Messrs. Hardin, Daley, and Henry, be that committee.

The engrossed bills, entitled

"An act to incorporate the Illinois Insurance Company;"

"An act to incorporate the Springfield High School Association;"

"An act to change a part of a State road therein named;"

"An act to permit William Jackson to insert a middle letter in his name;"

"An act for the relief of the heirs of John Thompson, deceased;"

"An act to authorize Henry W. Cleaveland to build a toll-bridge across the Winnebago swamp;"

"An act to incorporate the town of Fayette;"

"An act to vacate the plat of the town of Savannah, in Iroquois county;"

"An act to authorize Ezra Baker, jr., and Henry I. Mills to erect a mill-dam across the Little Wabash river;" and

"An act for the relief of the infant heirs of Robert Coleman, deceased;"

Were severally read a third time, and passed.

*Ordered,* That the titles of said bills be as aforesaid; that the Clerk inform the Senate of the passage thereof, and ask their concurrence therein.

The bill from the Senate, entitled "An act to amend an act, entitled 'An act to incorporate the Cairo City and Canal Company,'" was read a third time and passed.

*Ordered,* That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the concurrence of this House in the passage thereof.

The bill for "An act authorizing patents to be recorded, and certain copies to be read in evidence," was read a second time.

Mr. Baker moved to amend by striking out the third section.

Mr. Rawalt moved to refer it to a select committee of five; which was not agreed to.

The question recurred upon Mr. Baker's amendment; which was not agreed to, and the bill was

*Ordered* to be engrossed for a third reading.

The bill for "An act declaring Mill and Big creeks navigable, in Clar county," was read a second time, and

*Ordered* to be engrossed for a third reading.

The bill from the Senate, entitled "An act to authorize the county commissioners' courts to recover certain moneys by them heretofore loaned," was read a third time as amended, and passed.

*Ordered,* That the title of the bill be as aforesaid; that the Clerk inform the Senate of the passage thereof, as amended by this House, and ask their concurrence in the amendment made by the House.

And then the House adjourned.

SATURDAY, JANUARY 19, 1839.

House met pursuant to adjournment.

Mr. Flood, from the committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles, viz:

"An act to provide for the collection of demands growing out of contracts for sales of the possession of public lands."

"An act to incorporate the Menard Academy of Kaskaskia;"

"An act to change part of a certain State road in Morgan county;" and

"An act making an appropriation for the Penitentiary," as amended to obviate the objections of the Council of Revision.

Mr. Flood afterwards reported that the aforesaid bills had this day been laid before the Council of Revision.

On motion of Mr. Hardin,

The following rule was adopted, viz:

No. When any two members shall desire the ayes and noes on any question, before the House proceeds to the consideration of another subject, they shall be taken and entered on the journals.

Mr. Happy presented the remonstrance of sundry citizens of Morgan county against any division of said county; which, without reading, was, on his motion, referred to the same select committee to which was referred the bill creating the county of Scott.

Mr. Dawson presented the petition and remonstrance of sundry citizens of Sangamon county, praying the establishment of the county of Dane, and against a division of Sangamon county into four equal parts; which were, on his motion, laid on the table.

Mr. Allen of Greene presented the petition of ninety-seven ladies and gentlemen of Greene county, praying a repeal of the license law; which, without reading, was, on his motion, referred to the committee on the Judiciary.

Mr. Foster presented the petitions of sundry citizens of the county of Marion, praying a relocation of the Central railroad south of Vandalia; which, without reading, was, on his motion, referred to the same select committee to which other petitions on the same subject were referred.

Mr. Smith of Wabash presented the petition of sundry citizens of Wabash county, praying for a change in a part of the State road from Mount Carmel to Graysville, in Wabash county; which was, on his motion, without reading, referred to a select committee.

Ordered, That Messrs. Smith of Wabash, Emmerson, and Dubois, be that committee.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred a bill for "An act to incorporate the Pittsburg and Mississippi Railroad Company," reported the same with amendments; which were read and concurred in.

Ordered, That the bill be engrossed for a third reading.

Mr. Hardin, from the committee on the Judiciary, reported a bill for An act supplemental to an act, entitled 'An to regulate the action of replevin,' approved January 29, 1837;" which was twice read, and

Ordered to be engrossed for a third reading.

Mr. Fisk, from the committee on the Judiciary, reported a bill for "An act to incorporate the Charleston Marine and Fire Insurance Company;" which was read the first time, and

*Ordered* to a second reading.

Message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have concurred with the House in the passage of the bill for "An act relative to the town of Naples," as amended by them; in which amendments they ask the concurrence of the House.

They have also amended the title of the bill, so as to read, "An act to provide for the election of justices of the peace in Naples and Meredosia, and for the appointment of certain notaries public;" in which the concurrence of the House is requested.

They have passed bills of the following titles, viz:

"An act to authorize limited partnerships," and

"An act to authorize Philip Jarboe and Havey M. Jarboe to establish a ferry across the Illinois river;" in the passage of which they ask the concurrence of the House of Representatives. And he withdrew.

A message from the Council of Revision, by Mr. McLean, their Secretary.

*Mr. Speaker:* The Council of Revision have approved bills of the following titles, viz:

"An act to amend an act, entitled 'An act to incorporate the Carmi Bridge Company,' approved February 6th, 1835;" and

"An act for the relief of the late Warden of of the penitentiary." And he withdrew.

Mr. Kent, from the committee on Education, reported a bill for "An act to incorporate the Hanover Academy;" which was twice read; when,

Mr. Henry moved to amend the bill by striking out the words, "have perpetual succession," wherever they occur in the bill, and inserting, "during the period of fifty years."

On motion of Mr. McCutchen,

The bill and proposed amendments were referred to the committee on the Judiciary.

Mr. McCutchen, from the committee on the Judiciary, to which was referred a bill for "An act supplementary to an act, entitled "An act to incorporate the Alton Marine and Fire Insurance Company," reported the same with sundry amendments; which were read and concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Elkin, from the committee on Engrossed Bills, reported, as correctly engrossed, bills of the following titles, viz:

"An act to change a certain State road in Morgan county;"

"An act to incorporate the Mississippi Grand Tower Bridge Company;"

"An act in relation to the town of Springfield;"

"An act to amend an act in relation to constables;"

"An act to authorize L. D. Hilerman to build a mill-dam across the Little Wabash river, in Clay county;"

"An act to vacate the town plat of the town of Auburn;"



"An act to constitute the town of Manchester a justice's and constable's district;" and

"An act to prevent the circulation of bank-notes of a less denomination than five dollars."

Mr. Pace, from the committee on Agriculture and Manufactures, to which was referred a resolution in relation to the sale of wheat and corn by weight, reported against the object of said resolution, and asked to be discharged from the further consideration of the same; which was granted.

Mr. Ficklin, from the committee on Education, to which was referred a bill for "An act to incorporate the Mount Carmel Female Seminary," reported the same with an amendment; which was read and concurred in. The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Moore, from the committee on Counties, to which was referred certain petitions, reported a bill for "An act to organize the county of Carroll;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Ficklin, from the committee on the Judiciary, to which was referred a certain resolution, instructing them to inquire whether any law has ever been passed providing for the election of a circuit judge of the seventh judicial circuit, reported that no law had ever been passed for the purpose aforesaid, and asked to be discharged from the further consideration of the same; which was granted.

Mr. Roman, from the committee on Education, reported a bill for "An act to incorporate the Jefferson Institute;" which was read the first time, and

*Ordered* to a second reading

Mr. Fisk, from the committee on the Judiciary, to which was referred the bill for "An act limiting justices of the peace and constables to their several districts respectively," reported the same without amendment, and recommended a rejection of the bill.

On the question—"Shall the bill be engrossed for a third reading?"

It was decided in the negative.

Mr. English moved to reconsider the vote just taken; which was agreed to.

On motion of Mr. McMillan,

The bill was referred to a select committee of seven.

*Ordered*, That Messrs. McMillan, Cunningham, Green of Greene, McCormick, R. Smith, Elliot, and Dunn, be that committee.

Mr. Ficklin, from the select committee to which was referred a resolution instructing them to inquire into the propriety of passing a law imposing a fine on the circuit judges for failing to hold courts as prescribed by law, reported against the object of said resolution, and asked to be discharged from the further consideration of the same; when,

On motion of Mr. Stapp,

The same was referred to a select committee.

*Ordered*, That Messrs. Stapp, English, and French, be that committee.

Mr. Maus, from the select committee to which was referred a certain petition, reported a bill for "An act to establish a State road between Fremont and Dillon, in Tazewell county;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Rawalt, from the select committee to which was referred certain petitions and remonstrances relative to the county seat of Fulton county, together with the report of the committee on Counties thereon, reported the same, and asked to be discharged from the further consideration thereof; which was granted.

Mr. Johnson, from the select committee of five to which was referred a certain petition, reported a bill for "An act the more effectually to apprehend horse thieves;" which was twice read.

Mr. Ficklin moved to refer it to the committee on Agriculture and Manufactures; which was not agreed to.

Mr. Edmonston moved to refer it to the committee on the Penitentiary; not agreed to.

Mr. Daley moved to lay it on the table; not agreed to.

Mr. McCutchen moved to refer it to the committee on Finance; not agreed to.

Mr. Moore moved its reference to the committee on Claims; not agreed to.

Mr. Hardin, to the committee on Public Buildings and Grounds; not agreed to.

Mr. Cunningham, to a select committee of seven; and

Mr. Alexander, to the committee on the Judiciary.

The question was taken on the last motion, to refer to the committee on the Judiciary, and decided in the affirmative.

Mr. Stapp, from the select committee to which was referred a petition of sundry citizens of Warren and Knox counties for a State road from Macomb to Knoxville, reported the same, and asked to be discharged from the further consideration thereof; which was granted.

Mr. Churchill, from the select committee to which was referred a certain petition, reported a bill for "An act to authorize James T. Gifford and Samuel J. Kimbal to build a dam across Fox river;" which was twice read, and

*Ordered to be engrossed for a third reading.*

Mr. Stapp, from the select committee to which was referred a certain petition, reported a bill for "An act to authorize the relocation of a part of the State road leading from Stephenson to the mouth of Pickatonicka which was twice read, and

*Ordered to be engrossed for a third reading.*

Mr. Copeland, from the select committee to which was referred a certain petition, reported a bill for "An act to change part of the State road leading from Equality to Vienna;" which was twice read, and

*Ordered to be engrossed for a third reading.*

Mr. R. Smith offered for adoption the following:

*Resolved by the General Assembly of the State of Illinois, That we approve of the bold, manly, and independent course pursued by the former Legislatures of this State in determining the point where the National road should leave our State, and firmly adhering to a policy so highly beneficial to the best interests of the people of this State.*

*Resolved, That we believe the General Assembly of this State, in determining the point where the National road should leave our State, are only exercising a right which has been conceded by the General Government to all the States through which said road has passed.*

*Resolved*, That any change in the policy adopted by former Legislatures, in relation to the National road, would show a vacillating course, and have a direct tendency to injure the credit of the State.

*Resolved*, That our Senators in Congress be instructed, and our Representatives requested, to exert all their energies to procure an immediate appropriation, in money or lands, to survey the National road and complete the same from Vandalia, by way of Greenville, to the Mississippi river at Alton.

*Resolved*, That the Governor be requested to forward a copy of the above resolutions to each of our Senators and Representatives in Congress.

Mr. Johnson moved to amend, by inserting, before the last resolution, the following:

Inasmuch as this State has been, and is, resolved to pursue such policy that there is no hope that the General Government will ever make said road on such humiliating terms. Therefore:

*Resolved*, That, as an act of justice to that section of country through which said road would have passed, the State is in duty bound to make said road.

On motion of Mr. Archer,

The resolutions and amendment were referred to the same select committee to which were referred certain other resolutions on the same subject, and,

On motion of Mr. Murphy of Vermillion, it was

*Ordered*, That four additional members should be placed on the said committee.

*Ordered*, That Messrs. Murphy of Vermilion, Roman, Archer, and Henry, be added to said committee.

On motion of Mr. English,

*Resolved*, That the Commissioners of the Board of Public Works shall so construe a resolution which passed this House some days since, calling for copies of vouchers, as to mean an abstract, and not a full copy of all vouchers taken by them.

*Ordered*, That the Clerk communicate the foregoing resolution to the Board of Public Works.

On motion of Mr. McCormick,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of increasing the salaries of State's Attorneys of this State, and also into the propriety of imposing a fine on said officers whenever they shall neglect to attend the regular terms of the courts in their respective circuits; and that they report by bill or otherwise.

Mr. Logan offered for adoption the following:

*Whereas* a railroad from the Iron mountain, in the State of Missouri, to some convenient point on the Mississippi river, is now under contemplation in that State; and whereas the vast accumulation of mineral wealth, and the inexhaustible quantity of iron-ore contained in that portion of country, render it a desirable object with the people of that State to obtain every facility within their reach for the transportation of that mineral to the most extensive and profitable markets; and whereas it is considered that if the people of that State were informed

of the precise point on the Mississippi at which it would be most convenient to connect their work with the Central railroad of this State, or the Alton and Shawneetown railroad, such point would most likely be selected by them at which the State or citizens of Illinois could with the most facility construct such connecting link; and whereas the Grand Tower, situated in Perry county, Missouri, and opposite the city of that name in Illinois, affords, from its situation in the stream of the Mississippi river, a natural pier for the construction of a bridge across said river, from whence a branch of road, a distance of scarce eighteen miles, would form a junction with the Central railroad of this State near Brownsville, in Jackson county; and whereas the interest of the State of Kentucky would be enlisted by the vast increase of transportation (which this connection would produce) to facilitate the construction of a short lateral branch of railroad connecting that of Charleston and Cincinnati, which traverses said State, with a point of termination on the Ohio either at Cairo or Shawneetown, the distance of only 18 miles from the latter point, a conjunction of such incalculable advantage to the citizens of these respective States as cannot long be disregarded; and whereas the State of Illinois being now engaged in the prosecution of a general system of internal improvements, the interest of the State requires the connection of her railroads with such similar works in her sister States as may contribute to swell the stream of transportation; and whereas it is considered that the interest is mutual, and that a community of feeling should be awakened on the subjects in those States contiguous to Illinois: Be it therefore

*Resolved*, That the attention of the Legislatures of Kentucky and Missouri be respectfully directed to the consideration of said conjunction.

*Resolved*, That a lateral branch connecting the Cincinnati and Charleston railroad at some point on the Ohio, either Shawneetown or Cairo, would be of incalculable advantage to that work, and promote the prosperity of both Kentucky and Illinois.

*Resolved*, That the Legislature of Kentucky be respectfully invited to construct such a conjunctive work as to meet the State of Illinois at one of her two great points on the Ohio river.

*Resolved*, That the Legislature of Missouri be respectfully requested and invited to terminate the Iron Mountain railroad at the Grand Tower, on the Mississippi river.

*Resolved*, That the Governor be requested to transmit a copy of these resolutions to the Legislatures of Kentucky and Missouri.

The question was then taken—"Shall the preamble and resolutions be adopted?" and decided in the negative.

Mr. Elliot offered for adoption the following:

*Resolved*, That the committee on State Roads be instructed to report a bill for an act giving full power and authority to the county commissioners' courts of the several counties to alter, change, or modify all the roads within their respective counties, as well State roads as roads established by county authority: *Provided*, They shall not have power to change the location of any road on which appropriations are made by the State or General Governments.

Mr. Edmonston moved to lay it on the table until the 4th day of July next; when,

On motion of Mr. Hardin,

It was laid on the table.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have passed a bill of the following title: "An act authorizing a certain loan for canal purposes;" in the passage of which they ask the concurrence of the House of Representatives. And he withdrew.

The bill from the Senate for "An act authorizing a certain loan for canal purposes" was taken up, and read the first time.

On motion of Mr. Thornton,

The rule of the House was dispensed with, and the bill was read a second and third time, and passed.

*Ordered,* That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the concurrence of the House in the passage thereof.

Mr. Elkin, from the committee on Engrossed Bills, reported, as correctly engrossed, a bill for "An act to establish the counties of Menard, Logan, and Dane."

A communication from Jacob Fry, Esq., acting Commissioner of the Illinois and Michigan canal, was received and read, as follows:

VANDALIA, January 17, 1839.

SIR: In compliance with a resolution of the House of Representatives, passed on the 12th instant, requesting the Board of Commissioners of the Illinois and Michigan Canal to communicate any information they may possess, relative to the feasibility and probable cost of rendering the Fox river navigable to the northern line of this State, the Commissioners respectfully submit the enclosed report and accompanying maps made by Captain Burnett, under the direction of the Commissioners, as containing all the information on that subject which has come to the knowledge of the Board.

Respectfully,

Your obedient servant,

JACOB FRY,

*Acting Commissioner.*

To the HON. the SPEAKER

*of the House of Representatives.*

On motion of Mr. Churchill,

The report accompanying the foregoing communication was laid on the table, and ordered to printed.

And then the House adjourned.

MONDAY, JANUARY 21, 1839.

House met pursuant to adjournment.

The question pending on the motion of Mr. Henderson to amend the proposed amendment of Mr. Carpenter to the bill, entitled "An act to amend the several laws in this State regulating elections," coming up for consideration,

On motion of Mr. Edmonston,

The bill and proposed amendments were referred to a select committee of seven.

*Ordered*, That Messrs. Edmonston, Henderson, Walker of Vermilion, Baker, Carpenter, English, and Thomas of St. Clair, be that committee.

Mr. Flood, from the committee on Enrolled Bills, reported, as correctly enrolled, a bill for "An act authorizing a certain loan for canal purposes."

Mr. Fisk presented a remonstrance of the citizens of Montgomery, against the establishment of a certain State road therein named; which, on his motion, was referred, without reading, to the committee on State Roads.

Mr. Naper presented a petition of sundry citizens of Cook county, for a relocation of part of a State road in said county; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Naper, Thomas of McLean, and Kent, be that committee.

Mr. Daley presented the petition of citizens of Greene county, praying the repeal of all laws authorizing the retailing of spirituous liquors; which, on his motion, was referred, without reading, to the committee on the Judiciary.

Mr. Roberts presented a petition of sundry citizens of Iroquois county, praying for the relocation of the county seat of said county; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Roberts, Murphy of Vermilion, and Elliott, be that committee.

Mr. Roman presented a petition of sundry citizens of St. Clair county, praying for a divorce of Seaborn Wadsworth from his wife Sukey Wadsworth; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Roman, Murphy of Perry, and Menard, be that committee.

Mr. Gilham presented a petition from the citizens of the west part of Morgan county, praying that the Mauvaisterre stream may be declared a public highway from its mouth to Oxville bridge; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Gilham, Allen of Greene, and Holmes, be that committee.

Mr. Fisk presented a petition of the citizens of Montgomery county, praying the alteration of the name of the town of Leesburg; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Fisk, Johnson, and Harris, be that committee.

Mr. Naper presented a petition of sundry canal contractors, relative to the amount of per centage withheld from them by the State, and in relation to iron, steel, powder, pork, &c., furnished them by the Board of Canal Commissioners; which, on his motion, was referred, without reading, to the committee on Canals and Canal Lands.

Mr. Compher presented a remonstrance from sundry citizens of Peoria county, against a division of said county; which, on his motion, was referred, without reading, to the committee on Counties.

Mr. Compher presented two certain petitions, to wit: a petition of

sundry citizens of Peoria and Knox counties, praying that a certain road therein named may be declared a State road; and a petition of sundry citizens of Peoria county, praying that a certain road therein named may be declared a State road; which, on his motion, were referred, without reading, to a select committee.

*Ordered*, That Messrs. Compher, Hankins, and Robinson, be that committee.

Mr. Kent presented a petition of sundry citizens of Whitesides county, praying for the locating of the county seat by the voice of the legal voters, and for other purposes; which, on his motion, was referred, without reading, to the committee on Counties.

Mr. Kent presented a petition of sundry citizens of Union, Portland, Henryville, Wethersfield, Moulton, and Princeville, in Whitesides, praying for a State road from Peoria, passing through the above named places to Savannah, and thence to Galena; which, on his motion, was referred, without reading, to the committee on State Roads.

Mr. Kent presented a petition of sundry citizens of Whitesides county, praying that Little Rock river, from its mouth to Genesee grove, may be declared a navigable stream; which, on his motion, was referred, without reading, to the committee on Internal Improvements.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House that they have passed a bill of the following title, to wit:

"An act to amend the act entitled 'An act, to regulate the interest of money;' in the passage of which they ask the concurrence of the House of Representatives.

They have concurred with the House in the passage of the bill for "An act to amend an act entitled 'An act concerning judgments and executions,' approved January 17, 1825," as amended by them. They amend by striking out all after the first section of said bill; in which amendment they ask the concurrence of the House of Representatives. And he withdrew.

Mr. Kent presented a petition of sundry inhabitants of Stephenson county, for a State road from Peru, on the Illinois river, to the State line, in the direction of Mineral Point, in Wisconsin Territory, via Bloomington, Rock river, and Freeport, in Stephenson county; which, on his motion, was referred, without reading, to the committee on State Roads.

Mr. Kent presented the petition of Asahel Hannum, of Putnam county, on the subject of education; which, on his motion, was referred, without reading, to the committee on Education.

Mr. Kent presented two certain petitions, viz: a petition of citizens of Whitesides county, praying that the name of the town "Illinois city," may be changed to that of "Uniontown;" and a petition of Jonathan Haines, to vacate the plat of certain blocks in Illinois city; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Kent, Craig, and Henderson, be that committee.

Mr. Murphy of Perry presented a petition of the minor children of John Murphy, praying a law to authorize said Murphy to sell certain lands in Randolph county belonging to said children; which, on his motion, was referred to the same select committee to which were referred certain petitions relative to the estate of Daniel Dry, deceased.

Mr. Moore, from the committee on Counties, to which was referred a bill for "An act for the formation of Lake county," reported the same with sundry amendments; which were read and concurred in.

Mr. Moore, from the committee on Counties, to which was referred a certain petition, reported a bill for "An act to define the bounds of Boone county;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Hardin, from the committee on the Judiciary, to which was referred a bill for "An act dividing the State into judicial circuits," reported the same with sundry amendments.

The question was first taken on concurring with the committee in all their amendments, except these relating to the seventh circuit, and decided in the affirmative.

The question was then taken on the amendments relating to the seventh circuit, and also decided in the affirmative.

On motion of Mr. Hardin,

The bill was further amended, so as to attach the counties of Livingston, Dane, Logan, and Menard, to the fifth circuit.

On motion of Mr. Calhoun,

The bill and amendments were referred to a select committee of five.

*Ordered*, That Messrs. Calhoun, Naper, Churchill, Roman, and Moore, be that committee.

Mr. Flood, from the committee on Enrolled Bills, reported that the bill for "An act authorizing a certain loan for canal purposes," had been laid before the Council of Revision.

Mr. Fisk, from the committee on the Judiciary, to which was referred a certain petition, reported a bill for "An act to authorize the county commissioners of Bond county to loan certain funds therein mentioned;" which was twice read, and

*Ordered* to be engrossed for a third reading.

A message from the Council of Revision, by Mr. McLean, their Secretary:

*Mr. Speaker*: The Council of Revision have approved the following acts, viz:

"An act to establish the county of Marshall;" and

"An act making an appropriation for the penitentiary." And he withdrew.

Mr. Archer, from the committee on State Roads, to which was referred a bill for "An act concerning State roads," reported the same without amendment; and it was

*Ordered* to be engrossed for a third reading.

Mr. Maus, from the committee on Engrossed Bills, reported, as correctly engrossed, bills of the following titles, to wit:

"An act to incorporate the Elgin Academy;"

"An act authorizing patents to be recorded, and certain copies to be read in evidence;" and

"An act declaring Mill and Big creeks navigable, in Clark county."

Mr. Henry, from the select committee to which was referred the bill for "An act to establish the county of Scott," and a remonstrance on the same subject, reported the same with sundry amendments; which were read and concurred in, and the bill, as amended,

*Ordered* to be engrossed for a third reading.



Samuel D. Marshall, a representative from the county of Gallatin, appeared, was qualified, and took his seat.

Mr. Murphy of Cook, from the select committee, to which were referred certain resolutions relative to the incorporation of the City and Bank of Cairo, made a report, which was read, and is as follows:

The select committee to which was referred a resolution making the following inquiries, viz:

1. Whether the act incorporating the City and Bank of Cairo be still in full force and effect. 2. Whether the company claiming to be incorporated under the title of the City and Bank of Cairo, are the original incorporators, or their legal representatives. 3. Whether the capital of said Bank has been paid, and all its provisions complied with, in the manner prescribed by law: beg leave to report:

That they have given to this subject all the attention which its great importance demands, and sought for every information necessary to its elucidation. The results of their inquiries are herein embodied. They are fully sensible of the delicate nature of making inquiries into what are termed the vested rights of individuals or corporations, and cannot expect wholly to escape censure from interested quarters; but the duty has been imposed on them, and they have endeavored to discharge it with fidelity, and without prejudice or partiality. It has been objected, in the course of their inquiries, that this subject more appropriately belongs to the judicial tribunals of the country, than to the Legislature, for decision. But this committee are of opinion that they are consulting the best interests of their constituents, and of the State, in scrutinizing, with a jealous care, the organization of a chartered institution, with powers to affect or control the fortunes and liberties of the people; and that an institution of this nature, if not founded on legitimate authority, should with more propriety be suppressed in the commencement, than leave its evils to be cured by judicial proceedings, when the community had suffered by their operation. They are further decidedly of opinion that this Legislature has rightful power and authority to annul or revoke the charter of any corporate body, if the public good demands it; and that the Legislature of any former period possessed no right to confer, on any individual or corporation, vested or exclusive privileges, which would bind or limit the action of succeeding Legislatures: and that all such exercises of power are usurpations hostile to the spirit of our institutions, and destructive of those equal rights which the people of every generation, in their sovereign capacity, rightfully enjoy.

The facts in relation to the Bank of Cairo, which have come to the knowledge of your committee, are the following. They are presented with as few comments, or expressions of opinion, as the nature of the inquiries would admit:

In the year 1818, and while this State was under a Territorial Government, a company was incorporated under the title of "The City and Bank of Cairo." The following are the preamble and principal of its provisions:

"Whereas John G. Comyges, Thomas H. Harris, Thomas F. Herbert, Charles Slade, Shadrach Bond, Michael Jones, Warren Brown,

Edward Humphreys, and Charles W. Hunter, have become proprietors, by purchase from the United States, of all that certain tract of land, situate between the Ohio and Mississippi rivers, and near the junction of the same, and which said tract of land is particularly known and distinguished upon a map or chart of that district of the Territory of Illinois in which the same is comprised, as follows, viz: south fractional half of section number fourteen, south fractional half of section number fifteen, fractional section number twenty-two, twenty-three and twenty-four, north fractional half of section number twenty-five, north half of section number twenty six, and the northeast fractional quarter of section number twenty-seven, in township number seventeen, south of range one west, and containing, in the whole, eighteen hundred acres, or thereabouts: And whereas the said proprietors represent that there is, in their opinion, no position in the whole extent of these western States better calculated, as it respects commercial advantages and local supply, for a great and important city, than that afforded by the junction of those two great highways, the Mississippi and Ohio rivers; but that nature having denied to the extreme point formed by their union, a sufficient degree of elevation to protect the improvements made thereon from the ordinary inundations of the adjacent waters, such elevation is to be found only upon the tract above mentioned and described, so that improvements and property made and located thereon may be deemed perfectly and absolutely secure from all such ordinary inundations, and liable to injury only from the concurrence of unusually high and simultaneous inundations of both of said rivers, an event which is alleged but rarely to happen, and the injurious consequences of which it is considered practicable, by proper embankments, wholly, and effectually, and permanently, to obviate: And whereas there is no doubt that a city, erected at or as near as is practicable to the junction of the Ohio and Mississippi rivers, provided it be thus secured by sufficient embankments, or in such other way as experience may prove most efficacious for that purpose, from every such extraordinary inundation, must necessarily become a place of vast consequence to the prosperity of this growing Territory, and in fact to that of the greater part of the inhabitants of these western States: And whereas the above named proprietors are desirous of erecting such city under the sanction and patronage of the Legislature of this Territory, and also of providing by law for the security and prosperity of the same; and, to that end, propose to appropriate the one-third part of all moneys arising from the sale and disposition of the lots into which the same be surveyed, as a fund for the construction and preservation of such dykes, levees, and other embankments as may be necessary to render the same perfectly secure; and also, if such fund shall be deemed sufficient thereto, for the erection of public edifices, and such other improvements in said city as may be, from time to time, considered expedient and practicable; and to appropriate the other two-third parts of said purchase moneys to the operations of banking: And whereas it is considered that an act to incorporate the said proprietors and their associates, viz: all such persons as shall, by purchase or otherwise, hereafter become proprietors of the tract above mentioned and described—as a body corporate and politic, while it guarantees to all those who may become freeholders or residents within said city, the

fullest security as to their habitations and property, will at the same time concentrate the views and facilitate the operations of the said proprietors and their said associates, in rendering the said city secure from all such inundations as aforesaid, and in promoting the internal prosperity of the same: Therefore,

"SEC. 1. *Be it enacted*, That the said John G. Comyges, Thomas H. Harris, Thomas F. Herbert, Charles Slade, Shadrach Bond, Michael Jones, Warren Brown, Edward Humphreys, and Charles W. Hunter, proprietors, as aforesaid, of the said tract of land above mentioned, and all such persons as may hereafter become proprietors, by purchase or otherwise, of any portion of the same, being at the same time stockholders in the bank hereinafter to be provided for; and also all such persons as may become stockholders in said bank, without being proprietors of any of said lots, be, and they are hereby ordained, constituted and appointed a body corporate and politic, in fact and in name of the President, Directors and Company of the Bank of Cairo; and by that name, they and their associates, proprietors and stockholders as aforesaid, may, for thirty years hereafter, have succession, &c.

"SEC. 2. *And be it further enacted*, That the said John G. Comyges, and his associates, and his and their heirs and assigns, proprietors as aforesaid, shall, within the space of nine months from the passing of this act, proceed to lay off at the expense of said proprietors, upon such site in said tract as may be deemed most eligible therefor, a city, to be known and distinguished by the name of Cairo, &c.

"SEC. 3. *And be it further enacted*, That the price of the said lots into which the said site shall be so laid off as aforesaid shall be fixed and limited at one hundred and fifty dollars each; and the moneys arising from the sale and disposition thereof shall be appropriated as follows, to wit: two-thirds part thereof, that is to say, the sum of one hundred dollars on each and every lot, shall constitute the capital stock of said bank; which capital stock shall be divided into twice as many shares as there are lots; one-half of which shares shall belong to the purchasers of said lots, in the proportion of one share to each lot; and the remaining half of said shares shall be the property of the said John G. Comyges and his associates aforesaid, their heirs and assigns, proprietors as aforesaid, in proportion to the interest which they may respectively hold in the same; the remaining one-third part of the purchase money of said lots to constitute a fund to be exclusively appropriated to the security and improvement of said city, in manner as is hereinafter more particularly directed.

"SEC. 4. *And be it further enacted*, That it shall be lawful for the said John G. Comyges and his said associates, his and their heirs and assigns, proprietors as aforesaid, to nominate and appoint by themselves, or their attorneys thereto lawfully authorized, so many commissioners as they may deem necessary for the purpose of receiving subscriptions for the purchase of said lots, upon the terms herein above stated; and it shall be the duty of such commissioners to advertise for sale so many of said lots as they shall be respectively authorized to sell, and to receive subscriptions for the same."

In order to ascertain the correctness of the representations made by the said company in this act, your committee addressed a letter to the

Register of the Land Office in Kaskaskia, some weeks since, to which no answer has been returned. From inquiry made at the Auditor's office, however, they have ascertained that fractional section number twenty-three, forming a very large portion of the tract mentioned in the act as the property of the company, had never been entered till the year 1835; and that the company had never been proprietors of the same, by purchase or otherwise. They further ascertained that the east fractional half fourteen, southwest fractional twenty-four, and north fractional half twenty-five, also, north east twenty-six, were entered July 26th, 1817, by John G. Comyges, and by him suffered to revert to the United States, for a failure to pay the residue of the purchase money; and that these last mentioned lands, together with the south fractional half fifteen, fractional sections number twenty-two and twenty-three, were entered in August and September, 1835, by Sidney Breese, Miles A. Gilbert, and Thomas Swanwick.

Thus it appears that all that portion of the land on which this incorporation was founded reverted to, or remained in, the United States, except the north east twenty-six and the north east fractional twenty-seven, which were entered July 28th, 1817, by Shadrach Bond and P. Menard, as trustees of Warren Brown.

From information received from D. B. Holbrook, commissioner for receiving subscriptions for the purchase of lots in the city of Cairo, they have learned that the Central Railroad Company next became possessed of considerable portions of said land, which they transferred to the Cairo City and Canal Company. This last company was authorized by its charter to purchase the whole, or any part of township seventeen, above mentioned, more particularly the tract incorporated in 1818, as the city of Cairo—but banking operations are expressly prohibited.

They next ascertained that this same tract of land was conveyed, by deed of trust, to the New York Life Insurance and Trust Company by articles of agreement between the Illinois Exporting Company and the Cairo City and Canal Company, of each of which companies, D. B. Holbrook is President.

Such is the history of this case, in as connected a form as it could be traced by the committee.

In regard to the first branch of the inquiry, namely: whether the act incorporating the City and Bank of Cairo be still in force, they would observe that John G. Comyges and others, mentioned in the charter, were not incorporated as associated individuals as in other cases; but they were incorporated as a company, proprietors of a certain tract of land; for in every clause of the act where they are named, they are named as proprietors of this land; and as such they were incorporated. The preamble, as well as the body of the act, shows that the possession of this land, and the erection of a city thereon, "which must necessarily become a place of vast consequence to the prosperity of this growing Territory, and in fact to that of the greater part of the inhabitants of these western States," were the inducements held out for granting the act of incorporation. They would observe further, that as the land embraced in the charter has passed out of the hands of the original company, and as the stock of said bank was to be derived from the sale of portions of said land, this company has not the means left, on which to base their banking operations, as required by the charter.

The land embraced in the City of Cairo, as originally incorporated, has evidently passed into the hands of another and a different corporation; and as banking was only one of the incidents of said company, founded solely on the proprietorship of said city, it would seem plain, that when said property reverted to the Government, and became the property of other individuals and corporations, the banking powers annexed to it, as well as the company itself, became extinct. The charter in that respect being an unit, when any portion of it was voided by the company, it nullified the whole.

In regard to the second branch of the inquiry, the committee are informed that only two of the original corporators are now living; and they have not ascertained that these survivors are connected with the Cairo City and Canal Company, or the Exporting Company; nor would such connection in any way change the nature of their title. The original act incorporates the persons therein named, together with all such persons as may hereafter become proprietors, by purchase or otherwise, of any portion of the same. This cannot be construed to mean any persons but such as have derived a *title*, by purchase or otherwise, from the said proprietors, and cannot extend to those who might thereafter derive a title from the United States, in case the land reverted. The word "persons," in all legal enactments, means natural persons, and not artificial persons, such as corporations.—(Breese's Reports, *Betts vs. Menard*.) It follows, therefore, that the Cairo City and Canal Company cannot be considered as any portion of the body politic created by said act; nor can the committee conceive how said company can claim, by assignment, devise, or any legal form of descent, to be a legal representative of any, or all, of the original corporators. The claim, therefore, by this company, or by the Exporting Company, to exercise corporate and political powers, granted to a former and different body of individuals, merely because they obtained possession of their stock, is attaching corporate and political powers to the ownership of property, and selling or transferring said powers with said property—a species of entail feudal in its nature, unknown to our laws, and repugnant to the institutions of our country.

In regard to the third branch of the inquiry, in addition to what has been already stated, the committee are of opinion that the requisition of the 4th section of the act of incorporation has not been complied with. That section enacts that it shall be lawful for said "John G. Comyges and his said associates, proprietors aforesaid, to nominate and appoint so many commissioners as they may deem necessary for the purpose of receiving subscriptions for the purchase of said lots." On making inquiry of D. B. Holbrook, as to who commissioned him to receive subscriptions for the purchase of lots in said city of Cairo, he stated that he was commissioned by the Cairo City and Canal Company, which is, as before stated, a company entirely different from the original company, and deriving no powers under its charter; a company, also, which is expressly inhibited all banking powers, by its charter. Your committee would conclude, therefore, by stating that the provisions of this section of the act have not been complied with; nor have they been able to ascertain that the original company did any thing in

order to carry into effect the objects contemplated by the act of incorporation.

And whereas doubts exist whether said institution is authorized, by the laws and constitution of this State, to exercise banking powers: Therefore,

*Be it resolved by the General Assembly of the State of Illinois, That the Attorney General be, and he is hereby, directed forthwith to institute a judicial inquiry into the legality and conduct of said bank, and that he prosecute such inquiry by writ of quo warranto, or other legal process.*

On motion of Mr. Webb of White,

The report was referred to the committee on the Judiciary.

Mr. Henry, from the select committee to which was referred a bill for "An act to regulate public stages and the law of the road," reported the same with sundry amendments; which were read and concurred in.

Mr. McCutchen, from the select committee, to which was referred a certain petition, reported a bill for "An act to locate a State road from Mount Sterling, in Schuyler county, to Macomb, in McDonough county;" which was twice read, and

*Ordered* to be engrossed for a third reading.

On motion of Mr. Stapp,

*Resolved*, That the Board of Fund Commissioners be requested to report to this House what means, if any, they have, of paying the interest on the internal improvement loan, for the two succeeding years; specifying particularly the amount of means now on hand, if any, and from sources to be derived; and whether, in their opinion, if the revenue laws are not changed, so as to provide for raising a larger amount of revenue than is now raised from all sources, they will not be compelled to use a part of the principal of the internal improvement fund to pay the interest due, and to become due, on said fund.

Mr. Walker of Vermilion offered for adoption the following:

*Resolved*, That the Presidents of the State Bank of Illinois and Bank of Illinois be requested to make application to the Secretary of the Treasury of the United States, for the deposit of the Government revenue, collected within this State, to be made in said banks; and that, when they make such application, they represent to the Secretary of the Treasury (if such be the fact) that said banks do not issue or pay out any bills of a less denomination than five dollars.

*Resolved*, That the policy of depositing the public revenue, collected in this State, in the Bank of Missouri, is detrimental to the best interests of our banks.

*Resolved*, That if said banks shall make the representation to the Secretary before mentioned, a further continuance to deposit said revenues in the Bank of Missouri would warrant the imputation of partiality.

*Resolved*, That while the State Bank deposit system shall be continued, we believe the banks of our own State are more entitled to be the depositories of the revenue, collected in this State, than the Bank of Missouri.

*Resolved*, That when said application and representation are made to the Secretary, our Senators in Congress be instructed, and our Representatives be requested, to use their best efforts to procure the revenue, collected in this State, to be deposited in the banks of this State.

*Resolved*, That the Governor be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

Mr. Williams moved to lay the resolutions on the table.

Mr. R. Smith moved to refer to a select committee: when,

On motion of Mr. Hardin,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Ficklin moved to take up the resolutions offered by Mr. Smith of Wabash, relative to the public deposits, and the amendments proposed thereto by Mr. Walker, which were some days since laid on the table; which was not agreed to.

The engrossed bills, entitled

“An act to change a certain State road in Morgan county;”

“An act to incorporate the Mississippi and Grand Tower Bridge Company;”

“An act in relation to the town of Springfield;”

“An act to amend the acts in relation to constables;”

“An act to vacate the town plat of the town of Auburn;”

“An act to constitute the town of Manchester a justice's and constable's district;”

“An act to establish the counties of Menard, Logan, and Dane;”

“An act authorizing patents to be recorded, and certain copies to be read in evidence;”

“An act to incorporate the Elgin Academy;”

“An act declaring Mill and Big creeks navigable, in Clark county;” and

“An act to authorize L. D. Hilerman to build a mill-dam across the Little Wabash river, in Clay county;”

Were severally read a third time and passed.

*Ordered*, That the titles of the bills be as aforesaid; that the Clerk inform the Senate of the passage thereof, and ask their concurrence therein.

The engrossed bill, entitled “An act to prevent the circulation of bank notes of less denomination than five dollars,” was read a third time.

Mr. Smith of Wabash moved to amend by striking out the third section of the bill; not agreed to.

The question was then put—“Shall the bill pass?” and decided in the affirmative by yeas and nays, on the call of Messrs. Hardin and Rawalt, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Brown, Calhoun, Churchill, Cloud, Compher, Copland, Craig, Crain, Daley, Dawson, Dunn, Edmonston, Elkin, Elliott, English, Fisk, Foster, French, Gilham, Gouge, Green of Clay, Green of Greene, Happy, Hardin, Harris, Henderson, Henry, Holmes, Houston, Johnson, Jones, Kent, Kercheval, Kerr, Logan, Lyons, McCormick,

McCutchen, McWilliams, Maus, Menard, Moore, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Otwell, Philips, Rawalt, Roberts, Robinson, Roman, G. Smith, Stapp, Thomas of McLean, Walker of Fulton, Walker of Vermilion, and Webb of White—63.

Those who voted in the negative, are,

Messrs. Carpenter, Cunningham, Emmerson, Ficklin, Flood, Hankins, Lincoln, Marshall, Morgan, Naper, Pace, Read, Smith of Wabash, Robert Smith, Thomas of St. Clair, Thornton, Williams, Wood, Zimmerman, and Mr. Speaker—20.

*Ordered*, That the title of the bill be as aforesaid; that the Clerk inform the Senate of the passage thereof, and ask their concurrence therein.

The bills for

“An act to incorporate the Charleston Marine and Fire Insurance Company;” and

“An act to incorporate the Jefferson Institute;”

Were severally read a second time, and

*Ordered* to be engrossed for a third reading.

The resolutions some days since offered by Mr. Calhoun, in relation to the public deposits, being taken up for consideration, were,

On motion of Mr. Webb of White,

Laid on the table.

On motion of Mr. Webb of White,

The Committee of the Whole were discharged from the further consideration of the bill for “An act to incorporate the Graysville and Albion Railroad Company.”

On further motion of Mr. Webb of White,

The first section of the bill was amended by striking out the words, “or some point on said railroad south east of Albion,” and inserting “the depot at Albion,” in lieu thereof.

On motion of Mr. Smith of Wabash,

The first section of the bill was further amended by adding, after the words “depot at Albion,” the words “and at no other point on the said Alton and Mount Carmel railroad whatever.”

The question was then put—“Shall the bill be engrossed for a third reading?” and decided in the negative, by yeas and nays, on the call of Messrs. Webb of White and Alexander, as follow:

Those who voted in the affirmative, are,

Messrs. Alexander, Archer, Baker, Bainbridge, Carpenter, Copland, Craig, Emmerson, Gilham, Gouge, Hardin, Henry, Holmes, Houston, Johnson, Jones, Kent, Kerr, Lincoln, McCutchen, Menard, Murphy of Vermilion, Pace, Philips, Rawalt, Read, Roman, Thomas of McLean, Walker of Fulton, Webb of White, Williams, and Mr. Speaker—32.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Franklin, Allen of Greene, Brown, Calhoun, Churchill, Cloud, Compber, Crain, Cunningham, Daley, Dawson, Dunn, Edmonston, Elkin, Elliott, English, Ficklin, Fisk, Flood, Foster, French, Green of Clay, Green of Greene, Hankins, Happy, Harris, Henderson, Hull, Kercheval, Logan, Lyons, McCormick, McMillan, Maus, Moore, Morgan, Murphy of Cook, Murphy of Perry, Naper, Otwell, Roberts,



Robinson, Smith of Wabash, G. Smith, R. Smith, Thomas of St. Clair, Thornton, Walker of Vermilion, Wood, and Zimmerman—51.

And then the House adjourned.

TUESDAY, JANUARY 22, 1839.

House met pursuant to adjournment.

The question pending yesterday forenoon when the House adjourned, being on the motion of Mr. Williams to lay on the table the resolutions, offered by Mr. Walker of Vermilion, in relation to the public deposits, being taken up for consideration, was put, and decided in the negative.

Mr. Robert Smith moved to refer the resolutions to a select committee of seven.

Mr. George Smith moved to refer them to the committee on Finance; which was not agreed to.

The question was then taken on referring them to a select committee of seven, and decided in the affirmative.

*Ordered*, That Messrs. Robert Smith, Walker of Vermilion, Calhoun, Williams, Ficklin, Roman, and English, be that committee.

Mr. Edmonston presented the petition of sundry citizens of Schuyler and M'Donough counties, praying a change of a State road therein named; which, without reading, was on his motion, referred to the committee on State Roads.

Mr. Williams presented the petition of 130 persons, inhabitants of Adams and Pike counties, praying for a State road from Beverly to the Naples and Quincy road; which, without reading, was, on his motion, referred to a select committee.

*Ordered*, That Messrs. Williams, Stapp, and Kerr, be that committee.

Mr. Stapp presented the petition of sundry citizens of Henry county, praying for an act to incorporate Rufus Hubbard and others, as trustees of the Genesee Manual Labor High School; which, without reading, was, on his motion, referred to a select committee.

*Ordered*, That Messrs. Stapp, Kent, and Williams, be that committee.

Mr. Stapp presented the petition of sundry citizens of Knox and Warren counties, praying for the establishment of a State road from Farmington to Monmouth; which, without reading, was, on his motion, referred to a select committee.

*Ordered*, That Messrs. Stapp, Kent, and Williams, be that committee.

Mr. Copland presented the petition of sundry citizens of Johnson county, praying a relocation of the Central railroad south of Vandalia, so as to make Vienna a point of said railroad; which, without reading, was, on his motion, referred to the same select committee to which were referred some petitions on the same subject.

Mr. Roman presented certain remonstrances against a relocation of the State road from Lebanon to St Louis ferry; which was, on his motion, referred, without reading, to the committee on State Roads.

Mr. Henderson presented a petition of sundry citizens of Lacon, in

the county of Marshall, for an act of incorporation; which was, on his motion, referred, without reading, to the committee on the Judiciary.

Mr. Henderson presented a report of the proceedings of a public meeting of the citizens of Hennepin, in Putnam county, relative to an act of incorporation, together with a bill for an act to incorporate said town; which were, on his motion, without reading, referred to the committee on the Judiciary.

Mr. Holmes presented a petition of sundry citizens of Sangamon, Tazewell, and Cass counties, praying for a State road therein named, which was referred, on his motion, without reading, to the committee on State Roads.

Mr. Moore, from the committee on Counties, to which was referred a certain petition, reported a bill for "An act to establish the county of Hardin;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Williams, from the committee on Finance, to which was referred the bill from the Senate, entitled "An act for the relief of Robert Davis and others," reported the same without an amendment, and it was

*Ordered* to a third reading.

Mr. Ficklin, from the committee on the Judiciary, to which was referred a bill for "An act to incorporate the Hanover Academy," reported the same with an amendment; which was read and concurred in, and the bill as amended

*Ordered* to be engrossed for a third reading.

Mr. Smith of Wabash, from the committee on Internal Improvements, reported a bill for "An act to incorporate the Mount Carmel Manufacturing Company;" which was twice read, and, on his motion, referred to the committee on the Judiciary.

Mr. Carpenter, from the committee on Elections, to which was referred a bill for "An act to change the manner of voting at elections, and for other purposes," reported the same without amendment, and recommended its rejection.

The question was put—"Shall the bill be engrossed for a third reading?" and decided in the negative.

Message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of bills of the following titles, viz:

"An act to increase the number of justice's districts in the county of Greene;"

"An act to change the name of the town of Vienna;"

"An act to authorize Thomas Reynolds and Elisha Seymour to build a toll-bridge across the Kaskaskia river, at Farmington, in the county of St. Clair;"

"An act to incorporate the town of Danville;"

"An act to repeal a certain act therein named;"

"An act to repeal part of an act, entitled 'An act to incorporate the Kaskaskia Bridge Company;'"

"An act to relocate a part of a certain State road therein named;" and

"An act to incorporate the Schuyler County Mutual Fire Insurance Company."

They have also concurred with the House in the passage of the bills, entitled

"An act to incorporate the Invincible Dragoons of the second division of the Illinois militia;" and

"An act supplementary to 'An act to incorporate the Rushville Railroad Company,' approved January 16, 1838," as respectively amended by them:

They also amend the title of the last named bill by adding, "and for other purposes;" in which amendments to said bills and title they ask the concurrence of the House.

They have passed bills of the following titles, viz:

"An act to incorporate New Haven, in Gallatin and White counties;"

"An act to locate a certain State road therein mentioned."

"An act making appropriation to enclose the graves of deceased State officers in the town of Vandalia;"

"An act for the relocation of the State road from Charleston to Springfield;"

"An act to incorporate the Edwardsville Steam-Mill Company;"

"An act to authorize the relocation of a State road through parts of Vermilion and Champaign counties;"

"An act to amend the act, entitled 'An act to provide for changing the venue in civil and criminal cases,' approved 23d January, 1827;" and

"An act to provide for the appointment of additional judges of election in Coles county."

In the passage of which several bills they ask the concurrence of the House of Representatives." And he withdrew.

Mr. Craig, from the select committee to which was recommitted their report in relation to the penitentiary, with instructions to report a bill, &c., reported a bill for "An act to relocate and build the penitentiary;" which was twice read, laid on the table, and

*Ordered to be printed.*

Mr. Henry proposed for adoption the following resolutions:

*Resolved by the General Assembly of the State of Illinois,* That it is not the true policy of the United States to establish an Independent Treasury or Sub-treasury system, nor collect and disburse the public revenue in specie, to the exclusion of the notes of specie paying banks.

*Resolved,* That our Senators in Congress be instructed, and our Representatives be requested, to vote against any law or resolution having for its object the adoption of the Independent or Sub-treasury system in any form whatever.

*Resolved,* That the Governor be requested to transmit a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

Mr. Walker of Vermilion moved to lay the resolutions on the table until the 4th of July next; which motion was decided in the negative, by yeas and nays, as follow, upon the call of Messrs. Williams and Henry, viz:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copland, Crain, Daley, Edmonston, English, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Kercheval, Logan, McWilliams, Maus, Moore, Murphy of Cook, Naper, Pace, Robinson, Roman, Smith of Wabash, R. Smith, Thomas of St. Clair, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—43

Those who voted in the negative, are,

Messrs. Aldrich, Archer, Baker, Craig, Cunningham, Dawson, Dubois, Dunn, Elkin, Elliott, Emmerson, Ficklin, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, Marshall, Menard, Morgan, Murphy of Perry, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, George Smith, Stapp, Thomas of McLean, Walker of Fulton, Webb of Alexander, Webb of White, and Williams—45.

Mr Murphy of Perry moved to amend the resolutions by adding the following before the last resolution, viz:

*Resolved*, That we deem the recharter of a National Bank to be a measure injudicious, inexpedient, and unwise; and that we therefore hereby respectfully instruct our Senators, and request our Representatives in Congress, to oppose, by all proper means, the adoption of any such measure by the Congress of the United States.

Mr. Hardin moved to amend the proposed amendment of Mr. Murphy of Perry, by adding after the words "National Bank," the words "in any form whatever."

Mr Fisk moved to refer the whole to a committee of the Whole House, and make them the special order of the day for Tuesday next; which was not agreed to.

The question was then taken on the motion of Mr. Hardin to amend the proposed amendment of Mr. Murphy of Perry, and decided in the affirmative, by yeas and nays, as follow, upon the call of Messrs. Murphy of Perry and Calhoun, viz:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Baker, Bainbridge, Brown, Calhoun, Churchill, Cloud, Copland, Craig, Crain Daley, Dawson, Dubois, English, Ficklin, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Hankins, Hardin, Harris, Houston, Jarrott, Kercheval, Lincoln, Logan, Lyons, McCormick, McCutchen, McWilliams, Marshall, Menard, Moore, Morgan, Murphy of Cook, Murphy of Vermilion, Naper, Otwell, Pace, Philips, Rawalt, Robinson, Roman, Smith of Wabash, Stapp, Thomas of St. Clair, Thornton, Walker of Fulton, Walker of Vermilion, Webb of Alexander, and Wood—57.

Those who voted in the negative, are,

Messrs. Aldrich, Archer, Carpenter, Compher, Cunningham, Dunn, Edmonston, Elkin, Elliott, Emmerson, Gilham, Happy, Henderson, Henry, Holmes, Hull, Johnson, Jones, Kent, Kerr, McMillan, Maus, Murphy of Perry, Read, Roberts, G. Smith, R. Smith, Thomas of McLean, Webb of White, Williams, Zimmerman, and Mr. Speaker—38.

Mr. Flood moved to amend the proposed amendments to the resolutions by adding the following, viz:

*Resolved*, That "if a series of untoward events should occur, sufficient to bring into doubt the competency of a republican government to meet a crisis of great danger, or to unhinge the confidence of the people in the public functionaries, a National Bank," penetrating, by its branches, every part of the Union, acting by command and in phalanx, might, in a critical moment, upset the Government.

*Resolved*, That we deem no republican government safe which is under the vassallage of any self-constituted authority, or any other authority than that of the nation or its regular functionaries.

On the question—"Shall the amendment, proposed by Mr. Flood, to the amendment, be adopted?"

It was decided in the negative, by yeas and nays, as follow, upon the call of Messrs. Flood and Logan, viz:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Crain, Daley, Edmonston, English, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Kercheval, Logan, McWilliams, Maus, Moore, Murphy of Cook, Murphy of Perry, Naper, Pace, Robinson, Roman, Smith of Wabash, R. Smith, Thomas of St. Clair, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—43.

Those who voted in the negative, are,

Messrs. Aldrich, Archer, Baker, Copland, Craig, Cunningham, Dawson, Dubois, Dunn, Elkin, Elliott, Emmerson, Ficklin, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, Marshall, Menard, Morgan, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, George Smith, Stapp, Thomas of McLean, Walker of Fulton, Webb of Alexander, Webb of White, and Williams—45.

Mr. Dunn moved that the House adjourn; which was not agreed to.

The question was then taken on the motion to amend the resolutions offered by Mr. Henry, as proposed by Mr. Murphy of Perry, and decided in the affirmative, by yeas and nays, as follow, upon the call of Messrs. Carpenter and Logan, viz:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Crain, Daley, English, Ficklin, Fisk, Flood, Foster, French, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Kercheval, Lincoln, Logan, McCormick, McWilliams, Moore, Murphy of Cook, Murphy of Perry, Naper, Pace, Robinson, Roman, Smith of Wabash, Thomas of St. Clair, Thornton, Walker of Fulton, Walker of Vermilion, Webb of Alexander, Williams, Wood, Zimmerman, and Mr. Speaker—46.

Those who voted in the negative, are,

Messrs. Aldrich, Archer, Baker, Copland, Craig, Cunningham, Dawson, Dubois, Dunn, Edmonston, Elkin, Elliott, Emmerson, Gilham, Gouge, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lyons, McCutchen, McMillan, Marshall, Menard,

Morgan, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, George Smith, Robert Smith, Stapp, Thomas of McLean, and Webb of White—42.

Mr. Alexander moved to lay the resolutions, as amended, on the table until the 4th day of July next; which motion was decided in the negative, by yeas and nays, as follow, upon the call of Messrs. Lincoln and Baker, viz:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copland, Crain, Daley, Edmonston, English, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Kercheval, Logan, McWilliams, Moore, Murphy of Cook, Naper, Pace, Robinson, Roman, Smith of Wabash, R. Smith, Thomas of St. Clair, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—42.

Those who voted in the negative, are,

Messrs. Aldrich, Archer, Baker, Craig Cunningham, Dawson, Dubois, Dunn, Elkin, Elliot, Emmerson, Ficklin, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, Marshall, Menard, Morgan, Murphy of Perry, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, G. Smith, Stapp, Thomas of McLean, Walker of Fulton, Webb of Alexander, Webb of White, and Williams—45.

Mr. Smith of Wabash offered, as an amendment, the following:

*Resolved*, That it is inexpedient to consume the time of the Legislature, and waste the money of the people, in acting on resolutions which merely involve national politics.

Mr. Murphy of Vermilion moved the previous question.

The question was then taken—"Shall the main question be now put?" And decided in the affirmative, by yeas and nays, on the call of Messrs. Cloud and English, as follow, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Archer, Baker, Carpenter, Copland, Craig, Crain, Cunningham, Dawson, Dunn, Edmonston, Elliott, Elkin, Emmerson, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, Marshall, Menard, Morgan, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, G. Smith, Stapp, Thomas of McLean, Thornton, Walker of Fulton, Webb of Alexander, Webb of White, and Williams—49.

Those who voted in the negative, are,

Messrs. Allen of Greene, Bainbridge, Brown, Calhoun, Churchill, Cloud, Compher, Daley, English, Ficklin, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Kercheval, Logan, McWilliams, Moore, Murphy of Cook, Murphy of Perry, Naper, Pace, Robinson, Roman, Smith of Wabash, R. Smith, Thomas of St. Clair, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—38.

The question was taken on adopting the amendment offered by Mr. Smith of Wabash, and decided in the affirmative, by yeas nays, on the call of Messrs. Compher and Naper, as follow, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Compher, Copland, Crain, Daley, Edmonston, Elliott, English, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Hankins, Harris, Henderson, Houston, Kercheval, Logan, McCormick, McCutchen, McMillan, McWilliams, Marshall, Maus, Moore, Morgan, Murphy of Cook, Naper, Pace, Robinson, Roman, Smith of Wabash, R. Smith, Thomas of St. Clair, Thornton, Walker of Fulton, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—51.

Those who voted in the negative, are,

Messrs. Archer, Baker, Cloud, Craig, Cunningham, Dawson, Dubois, Dunn, Elkin, Emmerson, Ficklin, Gilham, Happy, Hardin, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, Menard, Murphy of Perry, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, G. Smith, Stapp, Thomas of McLean, Webb of Alexander, Webb of White, and Williams—38.

The main question, being on the adoption of the resolutions proposed by Mr. Henry, as amended, coming up for consideration,

Mr. Lincoln called for a division of the question, so as to take the vote on the two first resolutions alone.

Mr. Edmonston called for a further division of the question, so as to take the vote separately on the first branch of the first resolution.

The question was taken on adopting the first branch of the first resolution, which is in these words, viz:

"That it is not the true policy of the United States to establish an Independent Treasury or a Sub-treasury system;"

And decided in the affirmative, by yeas and nays, on the call of Messrs. Murphy of Perry and Flood, as follow, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Archer, Baker, Craig, Cunningham, Dawson, Dubois, Dunn, Elkin, Elliott, Emmerson, Ficklin, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, Marshall, Menard, Morgan, Murphy of Perry, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, G. Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Webb of Alexander, Webb of White, and Williams—46.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copland, Crain, Daley, Edmonston, English, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Kercheval, Logan, McWilliams, Moore, Murphy of Cook, Naper, Pace, Robinson, Roman, R. Smith, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—40.

The question was then taken on adopting the rest of the first resolution, viz:

"Nor to collect and disburse the public revenue in specie, to the exclusion of the notes of specie paying banks."

And decided in the affirmative, by yeas and nays, on the call of Messrs. Williams and Edmonston, as follow, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Archer, Baker, Carpenter, Cloud, Copland, Craig, Crain, Cunningham, Dawson, Dubois, Dunn, Edmonston, Elkin, Elliott, Emmerson, Ficklin, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kercheval, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, Marshall, Menard, Moore, Morgan, Murphy of Perry, Murphy of Vermilion, Otwell, Pace, Philips, Rawalt, Read, Roberts, Roman, G. Smith, R. Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Fulton, Walker of Vermilion, Webb of Alexander, Webb of White, and Williams—58.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Churchill, Compher, Daley, English, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Logan, McWilliams, Murphy of Cook, Naper, Robinson, Wood, Zimmerman, and Mr. Speaker—29.

The question was then taken on the adoption of the second resolution offered by Mr. Henry, and decided in the affirmative, by yeas and nays, on the call of Messrs. English and Baker, as follow, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Archer, Baker, Craig, Cunningham, Dawson, Dubois, Dunn, Elkin, Elliott, Emmerson, Ficklin, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, Marshall, Menard, Morgan, Murphy of Perry, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, G. Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Webb of Alexander, Webb of White, and Williams—46.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copland, Crain, Daley, Edmonston, English, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Kercheval, Logan, McWilliams, Moore, Murphy of Cook, Naper, Pace, Robinson, Roman, R. Smith, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—40.

The question was taken on adopting the resolution offered by Mr. Murphy of Perry, relative to a National Bank, as amended, and decided in the negative, by yeas and nays, on the call of Messrs. Cunningham and Alexander, as follow:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copland, Crait, Daley, English, Ficklin, Fisk, Flood, Foster, French, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Kercheval, Logan, McWilliams, Marshall, Moore, Murphy of Cook, Murphy of Perry, Naper, Pace, Robinson, Roman, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Webb of Alexander, Wood, Zimmerman, and Mr. Speaker—43.



Those who voted in the negative, are,

Messrs. Aldrich, Archer, Baker, Craig, Cunningham, Dawson, Dubois, Dunn, Edmonston, Elkin, Elliott, Emmerson, Gilham, Gouge, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, Menard, Morgan, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, G. Smith, R. Smith, Stapp, Thomas of McLean, Webb of White, and Williams—43.

The question was taken on the adoption of the resolution offered by Mr. Smith of Wabash, and decided in the affirmative, by yeas and nays, on the call of Messrs. Baker and Flood, as follow:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copland, Crain, Daley, Edmonston, English, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Kercheval, Logan, McWilliams, Marshall, Moore, Morgan, Murphy of Cook, Murphy of Perry, Naper, Pace, Robinson, Roman, Smith of Wabash, R. Smith, Thomas of St. Clair, Thornton, Walker of Vermilion, Webb of Alexander, Wood, Zimmerman, and Mr. Speaker—47.

Those who voted in the negative, are,

Messrs. Aldrich, Archer, Baker, Craig, Cunningham, Dawson, Dubois, Dunn, Elkin, Elliott, Emmerson, Ficklin, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, Menard, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, G. Smith, Stapp, Thomas of McLean, Walker of Fulton, Webb of White, and Williams—41.

The question was taken on the adoption of the third resolution offered by Mr. Henry, and decided in the negative, by yeas and nays, on the call of Messrs. Murphy of Cook and Calhoun, as follow:

Those who voted in the negative, are,

Messrs. Aldrich, Archer, Baker, Craig, Cunningham, Dawson, Dubois, Dunn, Elkin, Elliott, Emmerson, Ficklin, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, Marshall, Menard, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, G. Smith, Stapp, Thomas of McLean, Walker of Fulton, Webb of Alexander, Webb of White, and Williams—43.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copland, Crain, Daley, Edmonston, English, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Kercheval, Logan, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Naper, Pace, Robinson, Roman, Smith of Wabash, R. Smith, Thomas of St. Clair, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—44.

*Ordered*, That the Clerk carry to the Senate the resolutions which have been adopted, and ask their concurrence therein.

And then the House adjourned.

WEDNESDAY, JANUARY 23, 1839.

House met pursuant to adjournment.

Mr. Copland asked and obtained leave to change his vote given on yesterday on the amendment, proposed by Mr. Hardin, to the amendment proposed by Mr. Murphy to the resolutions offered by Mr. Henry, relative to the Sub-treasury system.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have concurred with the House of Representatives in the passage of the bill for "An act to permit William Jackson to insert a middle letter in his name." And he withdrew.

Mr. English moved that the Senate be respectfully requested to return certain resolutions reported to them this morning, in relation to the Sub-treasury system.

The question was taken by yeas and nays, on the call of Messrs. Jarrott and Rawalt, and decided in the negative, as follow:

Those who voted in the affirmative, are,

Messrs. Allen of Franklin, Allen of Greene, Bainbridge, Calhoun, Carpenter, Churchill, Cloud, Compner, Copland, Crain, Daley, Edmonston, English, Ficklin, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Happy, Harris, Houston, Kercheval, Logan, Moore, Murphy of Cook, Murphy of Perry, Naper, Pace, Roman, Rob't Smith, Thomas of St. Clair, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—38.

Those who voted in the negative, are,

Messrs. Aldrich, Alexander, Archer, Baker, Brown, Craig, Cunningham, Dawson, Dubois, Dunn, Elkin, Elliott, Emmerson, Gilham, Hankins, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, McWilliams, Marshall, Maus, Menard, Morgan, Murphy of Vermilion, Otwell, Phillips, Rawalt, Read, Roberts, Robinson, Smith of Wabash, George Smith, Stapp, Thomas of McLean, Thornton, Walker of Fulton, Webb of Alexander, Webb of White, and Williams—51.

Mr. Craig presented a petition of citizens of Whiteside and McHenry counties, for an alteration of a State road; which was referred, on his motion, without reading, to a select committee.

*Ordered,* That Messrs. Craig, Henderson, and Kent, be that committee.

Mr. Robert Smith presented a petition of Henry Singleton, proposing to purchase certain land belonging to the State; which was referred, on his motion, without reading, to the committee on Internal Improvements.

Mr. Craig presented a petition of D. B. Sears and J. W. Spencer, for an extension of time to build a mill-dam across the Rock Island slough; which was referred, on his motion, without reading, to a select committee.

*Ordered,* That Messrs. Craig, Henderson, and Kent, be that committee.

Mr. Thomas of St. Clair presented a petition of sundry citizens of St. Clair county, praying a change of the name of the town of Mechanicsburg, in said county, to Mascoutah; which was referred, on his motion, without reading, to a select committee.

*Ordered*, That Messrs. Thomas of St. Clair, Roman, and George Smith, be that committee.

Mr. Fisk presented a petition of the citizens of Montgomery and Macoupin counties, praying the formation of a company of Montgomery riflemen; which was referred, on his motion, without reading, to the committee on the Militia.

Mr. Pace, from the committee on Manufactures and Agriculture, reported a bill for "An act to incorporate the Wapello Manufacturing Company;" which was read the first time, and

*Ordered* to a second reading.

Mr. Moore, from the committee on Counties, to which were referred certain petitions and remonstrances, reported a bill for "An act to establish the county of Stark;" which was twice read, and

On motion of Mr. Stapp,

Referred to a select committee of five.

*Ordered*, That Messrs. Stapp, Henderson, Alexander, Compher, and Jarrott, be that committee.

Mr. Smith of Wabash, from the select committee to which was referred a certain petition, reported a bill for "An act concerning a State road in Wabash county;" which was read the first time, and

*Ordered* to a second reading.

Mr. Henry, from the select committee to which was referred a bill for "An act repealing all laws in relation to a State road leading from Wm. Crow's, in Morgan county, to Musick's bridge, in Sangamon county," reported the same without amendment, and it was

*Ordered* to be engrossed for a third reading.

Mr. Gilham, from the select committee to which was referred a certain petition, reported a bill for "An act declaring the Mauvaise-terre creek a navigable stream;" which was read the first time, and

*Ordered* to a second reading.

Mr. Fisk, from the select committee to which was referred a certain petition, reported a bill for "An act to change the name of the town of Leesburg;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Harris, from the select committee to which was referred a bill for "An act to amend an act, entitled 'An act prescribing the mode of summoning grand and petit jurors and defining their qualifications and duties,'" reported the same with an amendment.

Mr. Craig moved to amend the amendment, by inserting after the words "one dollar and fifty cents," in the first section thereof, the words "not less than seventy-five cents."

Mr. George Smith moved to amend the amendment, in like manner, by inserting "not less than one dollar."

On motion of Mr. Flood,

The bill and amendments were recommitted to a select committee of five.

*Ordered*, That Messrs. Flood, Harris, Carpenter, Craig, and George Smith, be that committee.

Mr. Menard, from the committee on Engrossed Bills, reported, as correctly engrossed, bills of the following titles, to wit:

A bill for "An act for the formation of Lake county;"

A bill for "An act to incorporate the Mount Carmel Female Seminary;"

A bill for "An act to incorporate the Pittsburg and Mississippi Railroad Company;"

A bill for "An act to authorize James T. Gifford and Samuel J. Kimball to build a dam across Fox river;"

A bill for "An act to change part of the State road leading from Equality to Vienna;"

"An act to authorize the relocation of part of the State road leading from Stephenson to the mouth of Pickatonneka;"

A bill for "An act supplementary to 'An act to incorporate the Alton Marine and Fire Insurance Company;'"

A bill for "An act to organize the county of Carroll;"

A bill for "An act to establish a State road between Tremont and Dillon, in Tazewell county;"

A bill for "An act supplemental to an act, entitled 'An act to regulate the action of replevin,' approved January 29, 1827;"

A bill for "An act to establish the county of Scott;"

A bill for "An act to define the bounds of Boone county;"

A bill for "An act to authorize the county commissioners of Bond county to loan certain funds therein mentioned;"

A bill for "An act concerning State roads;"

A bill for "An act to locate a State road from Mount Sterling, in Schuyler county, to Macomb, in McDonough county;" and

A bill for "An act to incorporate the Charleston Marine and Fire Insurance Company."

Mr. Robert Smith, from the select committee to which was referred a certain petition, reported a bill for "An act for the relief of trustees of schools in township 6 north, range 8 west, in Madison county;" which was twice read, and, on his motion, referred to the committee on the Judiciary.

Mr. Calhoun, from the select committee of five to which was referred a bill for "An act dividing the State into judicial circuits," reported the same with sundry amendments.

On motion of Mr. Henderson,

The House disagreed with the committee in their amendment in striking out the county of Marshall from the 9th circuit.

Mr. English moved that the House adjourn until 2 o'clock P. M., which was not agreed to.

Mr. Thomas of St. Clair called for a division of the question on the remaining amendments, so as to take the vote separately on striking out "St. Clair county" from the 10th circuit, and inserting it in the 2d circuit.

The question was taken on adopting the amendment proposed in relation to St. Clair county, and decided in the negative.

The question was then taken on the remaining amendments and decided in the negative.

Mr. Naper moved to lay the bill on the table till the 4th day of July next.

The question was taken by yeas and nays, on the call of Messrs. Daley and Craig, and decided in the affirmative, as follow:

Those who voted in the affirmative, are,

Messrs. Alexander, Calhoun, Carpenter, Copland, Crain, Cunningham, Dubois, Edmonston, Emmerson, Ficklin, Foster, French, Gouge, Green of Clay, Hankins, Harris, Holmes, Houston, Jarrott, Kercheval, McCutchen, McMillan, Moore, Morgan, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Pace, Philips, Rawalt, Read, Roberts, Robinson, Roman, Robert Smith, Stapp, Thomas of St. Clair, Walker of Vermilion, Webb of Alexander, Webb of White, and Mr. Speaker—43.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Franklin, Allen of Greene, Archer, Baker, Bainbridge, Brown, Churchill, Cloud, Compher, Craig, Daley, Dawson, Elkin, Elliott, English, Fisk, Gilham, Green of Greene, Happy, Hardin, Henderson, Henry, Hull, Johnson, Jones, Kent, Kerr, Lincoln, Logan, McCormick, McWilliams, Maus, Menard, George Smith, Thomas of McLean, Thornton, and Wood—38.

On motion of Mr. Craig,

The following preamble and resolutions were adopted:

*Whereas* the State of Illinois is essentially an agricultural State, and the greater proportion of her inhabitants are deeply interested in every thing relating to the security and permanency of our land titles: and whereas the surveys of the lands in this State have been effected by an officer of the General Government whose office is in another State, and over whom our courts of justice have no control: and whereas there is but a single complete copy of the original field notes and plats of these surveys now in existence, by which the metes and bounds of our lands are to be ascertained and their location identified: and whereas these field notes and plats are constantly liable to be lost, or destroyed by fire, abrasion from constant use, their corrosion by time, bad ink and the various accidents to which pamphlets and loose papers are constantly liable—many of which are now almost illegible: and whereas it frequently occurs in the legal investigation of the titles to our lands in our courts of justice, that certified copies of these field notes are required as evidence: and whereas these field notes and plats are beyond the control of the civil authorities of this State, and have to be procured by the parties litigant, at great expense of time and money, before they can, with safety, go to trial: and whereas we have heretofore indulged the well-founded hope that a Surveyor General's office would, before this time, have been established in this State by the General Government, for completing the survey of our lands: and whereas these just expectations, so long and fondly indulged, are likely to be blasted, as appears by the recent recommendation of the Commissioner of the General Land Office, at Washington, to the chairman of the committee on Public Lands, dated June 20th, 1838, and also to the Hon. R. M. Young, dated January 3d, 1839; in both of which he urges the necessity of attaching the State of Illinois to the Iowa and Wisconsin surveying district, (the office of which is established at Du Buque, in the Territory of Iowa,) for the more speedy survey of the lands in the State of Illinois: and whereas by the removal from St. Louis, in the State of Missouri, of the original field notes and plats of our lands to a Surveyor General's office at Du Buque, in the Territory of Iowa, would make these necessary papers more inaccessible to our courts of justice—a measure directly opposed

to the best interests of the State, and subversive of her best rights and reasonable expectations: and whereas it is of the utmost importance to the interests of this State to have the original field notes and plats of survey, on which the titles of our lands are founded, and their location ascertained, recorded and kept within this State, and always accessible to our courts of justice, placed (as far as possible) beyond the reach of accident or loss Therefore,

*Resolved, unanimously, by the Senate and House of Representatives, That* our Senators in Congress be instructed, and our Representatives requested, to use their utmost exertions to procure the passage of a law establishing a Surveyor General's office in this State.

*Resolved, That* the Governor be requested to forward copies of the foregoing preamble and resolutions, to each of our Senators and Representatives in Congress, and to the Commissioner of the General Land Office.

*Ordered, That* the Clerk carry the foregoing preamble and resolutions to the Senate, and ask their concurrence therein. And then the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The bill from the Senate, entitled "An act for the relief of Thomas Davis and others," was read the third time and passed.

*Ordered, That* the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

The engrossed bills, entitled

"An act to establish the county of Scott;"

"An act concerning State roads;"

"An act for the formation of Lake county;"

"An act to incorporate the Mount Carmel Female Seminary;"

"An act to authorize James T. Gifford and Samuel J. Kimball to build a dam across Fox river;"

"An act to change part of a State road leading from Equality to Vienna:"

"An act to authorize the relocation of part of the State road leading from Stephenson to the mouth of Pickatonneka;"

"An act to organize the county of Carroll;"

"An act to locate a State road from Mount Sterling, in Schuyler county, to Macomb, in McDonough county;"

"An act to authorize the county commissioners of Bond county to loan certain funds therein mentioned;"

"An act supplemental to an act, entitled 'An act to regulate the action of replevin,' approved January 29, 1827;" and

"An act to define the bounds of Boone county;"

Were severally read the third time and passed.

*Ordered, That* the titles of the bills be as aforesaid, that the Clerk carry said bills to the Senate, and ask their concurrence therein.

The bill for "An act to incorporate the Pittsburg and Mississippi Railroad Company," was in part read: when,

On motion of Mr. Roman,

The bill was laid on the table.

The engrossed bill for "An act supplementary to 'An act to incorporate the Alton Marine and Fire Insurance Company,'" was read the third time and passed, by yeas and nays, as follow; upon the call of Messrs. Hankins and Hardin, to wit:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Greene, Archer, Churchill, Craig, Daley, Dawson, Dunn, Elliott, Ficklin, Fisk, French, Gilham, Green of Clay, Houston, Hull, Johnson, Jones, Kent, Kercheval, Lincoln, Logan, McCutchen, Menard, Morgan, Murphy of Vermilion, Naper, Otwell, Pace, Philips, Read, Roberts, Roman, Smith of Wabash, George Smith, Robert Smith, Thomas of McLean, Webb of Alexander, Webb of White, Zimmerman, and Mr. Speaker—42.

Those who voted in the negative, are,

Messrs. Allen of Franklin, Brown, Cloud, Compher, Copland, Crain, Cunningham, Dubois, Edmonston, Elkin, Emmerson, English, Flood, Foster, Gouge, Green of Greene, Hankins, Happy, Hardin, Harris, Henderson, Henry, Holmes, Jarrott, Kerr, Lyons, McCormick, McMillan, McWilliams, Maus, Moore, Murphy of Cook, Rawalt, Robinson, Stapp, Thomas of St. Clair, Walker of Vermilion, and Wood—38.

Ordered, That the title of the bill be as aforesaid, that the Clerk carry said bill to the Senate, and ask their concurrence therein.

The engrossed bill for "An act to establish a State road between Tremont and Dillon, in Tazewell county," was read the third time, and,

On motion of Mr. Maus,

Referred to a select committee.

Ordered, That Messrs. Maus, Compher, and Moore, be that committee.

The engrossed bill for "An act to incorporate the Charleston Marine and Fire Insurance Company," was read the third time.

Mr. Cunningham moved to lay the bill on the table; which was not agreed to.

Mr. McMillan moved to refer the bill to a select committee; which was not agreed to.

The question was then put—"Shall the bill pass?"

And decided in the affirmative, by yeas and nays, as follow, upon the call of Messrs. Robert Smith and McMillan, to wit:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Greene, Archer, Churchill, Craig, Cunningham, Dawson, Dunn, Elliott, Ficklin, Fisk, French, Gilham, Green of Clay, Hardin, Henderson, Henry, Holmes, Houston, Hull, Jarrott, Johnson, Jones, Kent, Kercheval, Kerr, Lincoln, Logan, McCutchen, Menard, Morgan, Murphy of Vermilion, Naper, Otwell, Philips, Rawalt, Read, Roberts, Roman, Smith of Wabash, George Smith, Robert Smith, Thomas of McLean, Webb of Alexander, Webb of White, Williams, Zimmerman, and Mr. Speaker—49.

Those who voted in the negative, are,

Messrs. Allen of Franklin, Brown, Calhoun, Carpenter, Cloud, Compher, Copland, Dubois, Edmonston, Elkin, Emmerson, English, Flood, Foster, Gouge, Green of Greene, Hankins, Happy, McMillan, McWill-

iams, Maus, Moore, Murphy of Cook, Murphy of Perry, Robinson, Stapp, Thomas of St. Clair, Walker of Vermilion, and Wood—29.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk carry said bill to the Senate, and ask their concurrence therein.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: The Senate have passed a bill of the following title, viz: "An act to provide for certain improvements in Pike county;" in the passage of which they ask the concurrence of the House of Representatives. And then he withdrew.

Mr. Webb of White moved to modify the 46th rule of the House, so as to give the Speaker power to place an additional member on any of the standing committees that he may think proper; which was agreed to.

On motion of Mr. Walker of Vermilion,

The resolution proposing instructions to the committee on State Roads to report a bill conferring upon the county commissioners' courts the control of roads within their respective counties, which was laid on the table some days since, was taken up.

Mr. Walker of Vermillion moved to refer it to a select committee of seven; not agreed to.

Mr. Carpenter moved to amend by adding the following:

"*Resolved*, That we think it our duty, as representatives of the people, to grant State roads to the people when they petition therefor;" which,

On Motion of Mr. Murphy of Vermilion,

Was laid on the table.

Mr. Pace moved to amend by striking out all that relates to State roads already established; which was not agreed to.

Mr. McWilliams moved to amend by adding the following:

"*Provided*, That the county court shall not have jurisdiction over any road that may pass from one county to another."

Mr. Dubois moved to amend the amendment by striking out all after the word "*Resolved*," in the original resolution.

The question was taken on the amendment last proposed, and decided in the affirmative, by yeas and nays, on the call of Messrs. Edmonston and Daley, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Franklin, Allen of Greene, Archer, Bainbridge Brown, Carpenter, Cloud, Compher, Copland, Cunningham, Daley, Dawson, Dubois, Dunn, Edmonston, English, Ficklin, Fisk, Flood, Foster, Gilham, Green of Clay, Green of Greene, Hardin, Harris, Henry, Holmes, Houston, Huey, Jarrott, Johnson, Kent, Kercheval, Logan, Lyons, Moore, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Naper, Philips, Read, Robinson, Smith of Wabash, Stapp, Walker of Vermilion, Williams, Zimmerman, and Mr. Speaker—50.

Those who voted in the negative, are,

Messrs. Alexander, Craig, Crain, Elkin, Elliott, Emmerson, French, Gouge, Hankins, Happy, Henderson, Hull, Jones, Kerr, Lincoln, McCormick, McCutchen, McMillan, McWilliams, Maus, Menard, Morgan, Otwell, Pace, Rawalt, Roberts, Roman, George Smith, Thomas of McLean, Thomas of St. Clair, Webb of Alexander, Webb of White, and Wood—33.



On motion of Mr. Williams,

The resolution was laid on the table.

Mr. Walker of Vermilion, on leave given, introduced a bill for "An act to prescribe the mode of establishing and changing State roads;" which was read the first time, and

*Ordered* to a second reading.

Mr. Flood, on leave given, introduced a bill for "An act to repeal the act to amend an act, entitled 'An act relating to the Attorney General and State's Attorneys,'" which was read the first time, and

*Ordered* to a second reading.

Mr. Kercheval, on leave given, introduced a bill for "An act to locate a State road from Naperville, in Cook county, to Indian creek, in McHenry county."

*Ordered*, That Mr. Marshall be added to the committee on the Judiciary. And then

The House adjourned.

### THURSDAY, JANUARY 24, 1839.

The House met pursuant to adjournment.

On motion of Mr. Alexander,

Leave of absence was granted to Messrs. Houston and Fisk.

Mr. Kerr presented certain petitions and remonstrances relative to a State road from Beverly, in Adams county, to intersect the road from Quincy to Naples; which, on his motion, were referred, without reading, to the same select committee to which were referred certain petitions on the same subject.

*Ordered*, That Mr. McWilliams be added to the said committee.

Mr. Read presented a petition of James H. C. Hanna, for relief; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Read, Marshall, and Crain, be that committee.

Mr. Dunn presented a petition of sundry citizens of Gallatin county, praying for the location of a State road therein named; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Dunn, Bainbridge and Wood, be that committee.

Mr. Dunn presented a petition of Charles Mick; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Dunn, Marshall, and Carpenter, be that committee.

Mr. McWilliams presented the petition of sundry citizens of Pike county, praying for a State road therein mentioned; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. McWilliams, Kerr, and Brown, be that committee.

Mr. Aldrich, from the committee on Agriculture and Manufactures, reported a bill for "An act to incorporate the Desmoine Rapids Railroad Company;" which was twice read, and referred to the committee on Internal Improvements.

Mr. Harris, from the committee on the Militia, reported a bill for "An act for the organization and government of the militia of this State;" which was twice read, and,

On motion of Mr. Happy,

Referred to a select committee of nine.

Ordered, That Messrs. Happy, Rawalt, Crain, Hardin, Baker, Craig, Harris, Flood, and Allen of Franklin, be that committee.

Mr. Elkin, from the committee on Engrossed Bills, reported, as correctly engrossed bills, entitled

"An act to incorporate the Hanover Academy;"

"An act to regulate public stages and the law of the road;" and

"An act to establish the county of Hardin."

Mr. Moore, from the committee on Counties, to which was referred a certain petition, reported a bill for "An act to locate the county seat of Whiteside county, and to provide for the election of county officers;" which was twice read, and

Ordered to be engrossed for a third reading.

Mr. Flood, from the committee on Enrolled Bills, reported that bills of the following titles were correctly enrolled, viz:

"An act to repeal a certain act therein named;"

"An act to repeal part of an act, entitled 'An act to incorporate the Kaskaskia Bridge Company;'"

"An act to relocate a part of a certain State road therein named;"

"An act to increase the number of justice's districts in the county of Greene;"

"An act to amend an act to incorporate the Cairo City and Canal Company;"

"An act to change the name of the town of Vienna, in Fulton county;"

"An act to authorize Thomas Reynolds and Elisha Seymour to build a toll-bridge across the Kaskaskia river at Farmington, in the county of St. Clair;" and

"An act to incorporate the Schuyler County Mutual Fire Insurance Company."

Mr. Flood, from the committee on Enrolled Bills, afterwards reported that the foregoing bills had been laid before the Council of Revision.

Mr. Churchill, from the committee on Canals and Canal Lands, reported a bill for "An act to amend an act, entitled 'An act concerning public roads,' approved February 3, 1835;" which was twice read, and referred to the committee on State Roads.

A message from the Senate, by Mr. Thomas, a Senator.

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that they have concurred with the House in the passage of the bill, entitled "An act to establish the county of Scott," as amended by them; in which amendments they ask the concurrence of the House of Representatives. And he withdrew.

Mr. Ficklin, from the committee on the Judiciary, to which was referred the bill for "An act to provide for securing, to mechanics and others, liens for the value of labor and materials," reported the same with sundry amendments; which were read and concurred in.

The bill was then

Ordered to be engrossed for a third reading.

Mr. Jarrott, from the committee on the Judiciary, to which was referred the bill for "An act for the relief of trustees of schools in township six north, range eight west, in Madison county," reported the same without amendment.

The bill was then

*Ordered* to be engrossed for a third reading.

The amendments of the Senate to the bill from the House of Representatives, entitled "An act to establish the county of Scott," were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Ficklin, from the committee on the Judiciary, to which was referred a certain resolution, requiring them to inquire into the expediency of abolishing the office of recorder, &c., reported the same, and asked to be discharged from the further consideration of the subject; which was granted.

Mr. Hardin, from the committee on the Judiciary, reported a bill for "An act to amend an act regulating the mode of trying the right of property;" which was twice read, and,

On motion of Mr. Stapp,

Recommitted to the committee on the Judiciary, with instructions to amend the bill, so as to give authority to sheriffs to compel the attendance of witnesses, in cases of the trial of right of property before sheriffs.

Mr. Hardin, from the committee on the Judiciary, to which were referred the report, preamble, and resolution of the select committee to which was some time since referred a resolution relative to the City and Bank of Cairo, reported the same with an amendment to the preamble, and an additional resolution.

The question was taken on agreeing to the amendment to the preamble, and decided in the affirmative; when,

On motion of Mr. Flood,

The two reports, with the preamble and resolutions, were laid on the table.

Mr. Webb of Alexander moved that the said reports, preamble, and resolutions be ordered to be printed; which was not agreed to.

Mr. McMillan, from the select committee to which was referred a bill for "An act limiting justices of the peace and constables to their several districts respectively," reported the same with sundry amendments.

And then the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The House met pursuant to adjournment.

A message from the Senate, by Mr. Richardson, a Senator:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that they have passed a bill of the following title:

"An act to create the county of Brown out of the county of Schuyler;" in the passage of which they ask the concurrence of the House of Representatives.

The engrossed bills, entitled "An act to establish the county of Hardin," and "An act to incorporate the Hanover Academy," were severally read a third time, and passed.

*Ordered*, That the titles of the said bills be as aforesaid, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

The bill for an act to regulate public stages and the law of the road, which had been three times read, amended, and re-engrossed, was taken up.

On motion of Mr. Hardin,

The last section was amended, by adding the following:

"Justices of the peace shall have jurisdiction in all cases arising under this act where the penalty does not exceed one hundred dollars."

On motion of Mr. Menard,

The last section was further amended, by striking out the word "title," and inserting the word "act," in lieu thereof.

The question was taken—"Shall the bill pass, as amended?" and decided in the affirmative.

On motion of Mr. Menard,

The title of the bill was amended, by striking out the word "stages," and inserting "carriages," in lieu thereof.

*Ordered*, That the title of the bill be as amended; that the Clerk carry the same to the Senate, and ask their concurrence therein.

The bill for "An act to prescribe the mode of establishing and changing State roads," was read a second time, and,

On motion of Mr. Walker of Vermilion,

Referred to the committee on State Roads.

The bill for "An act to repeal the act to amend an act, entitled 'An act relating to the Attorney General and State's Attorneys,'" was read a second time, and,

On motion of Mr. Ficklin,

Laid on the table till the fourth of July next.

The bills, entitled

"An act concerning a State road in Wabash county," and

"An act declaring the Mauvaise-terre creek a navigable stream," were severally read a second time, and

*Ordered* to be engrossed for a third reading.

The bill for "An act to incorporate the Wapello Manufacturing Company," was read a second time, and,

On motion of Mr. Elkin,

Referred to the committee on the Judiciary.

Mr. Murphy of Vermilion moved to take up a preamble and certain resolutions offered by Mr. Ficklin, relative to the rights of the States which were some time since laid on the table; not agreed to.

The resolutions offered by Mr. Henry, instructing the committee on Finance to inquire into the propriety of classifying or curtailing the internal improvement system, which were some days since laid on the table, were taken up.

The question pending on the amendment proposed by Mr. Murphy of Perry, to strike out the word "finance," and insert "internal improvements" in lieu thereof, was taken, and decided in the negative.

Mr. Hardin moved to amend by striking out the last clause of the resolution; not agreed to.

On motion of Mr. Walker of Vermilion,

The resolution was amended by inserting, after the words "be requested to," the following: "inquire whether the present system of internal improvement is too large; and, if so, to."

The resolution, as amended, was then adopted.

On motion of Mr. Archer,

The bill for "An act providing for the election of a public binder, and defining his duties," which was some days since laid on the table, was taken up, and referred to a select committee of five.

Ordered, That Messrs. Archer, Flood, R. Smith, Williams, and Moore, be that committee.

On motion of Mr. Henderson,

The bill for "An act for the benefit of the counties therein named," was taken up, and referred,

On motion of Mr. Holmes,

To a select committee of seven.

Ordered, That Messrs. Holmes, Craig, Moore, Murphy of Cook, Gilham, Carpenter, and Jones, be that committee.

Mr. Copland moved that the House resolve itself into a committee of the Whole, upon certain resolutions offered by him some days since, relative to an examination of the affairs of the State Bank of Illinois and Bank of Illinois; which was not agreed to.

On motion of Mr. Murphy of Vermilion,

The committee of the Whole were discharged from the further consideration thereof.

Mr. Hardin moved to amend the resolutions, so as to appoint a joint select committee of the two Houses to make said examination; which was accepted, as a modification, by Mr. Copland.

On motion of Mr. Rawalt,

The resolutions were further amended, so as to constitute said committee of two on the part of the Senate and three on the part of the House.

Mr. Murphy of Vermilion moved to lay them on the table until the fourth of July next.

Mr. Hardin moved to lay on the table.

The question was taken—"Shall the resolutions be laid on the table?" and decided in the affirmative, by yeas and nays, on the call of Messrs. Copland and Murphy of Cook, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Greene, Archer, Brown, Craig, Cunningham, Dawson, Dubois, Elliott, Emmerson, Ficklin, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Jones, Kent, Kercheval, Kerr, Lincoln, Logan, Lyons, McCutchen, McWilliams, Menard, Moore, Morgan, Naper, Otwell, Pace, Philips, Read, Roberts, Roman, Smith of Wabash, G. Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Vermilion, Webb of White, and Zimmerman—47.

Those who voted in the negative, are,

Messrs. Allen of Franklin, Bainbridge, Calhoun, Carpenter, Churchill Cloud, Compher, Copland, Crain, Daley, Elkin, English, Flood, Foster

French, Gouge, Green of Greene, Hankins, Happy, Harris, Huey, Johnson, McCormick, McMillan, Murphy of Cook, Murphy of Vermilion, Rawalt, Robinson, R. Smith, Webb of Alexander, Williams, and Mr. Speaker—32.

The bill introduced on yesterday, for "An act to locate a State road from Napersville, in Cook county to Indian creek, in McHenry county," was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Zimmerman, on leave given, introduced a bill for "An act to locate a State road from Jonesborough, in Union county, to Samuel Ryburn's sen'r, in Franklin county;" which was twice read, and, on his further motion, referred to a select committee.

*Ordered*, That Messrs. Zimmerman, Crain, and Allen of Franklin, be that committee.

Mr. Walker of Vermilion, on leave given, introduced a bill for "An act to establish a State road therein named;" which was twice read, and, on his further motion, referred to the committee on State Roads.

Mr. Murphy of Cook asked and obtained leave to introduce a bill for "An act to charter a lottery for certain purposes therein named;" which was read the first time, and,

On the question—"Shall the bill be read the second time?"

It was decided in the negative.

Mr. Pace asked and obtained leave to introduce a bill for "An act for the benefit of Jefferson county;" which was read the first time, and

*Ordered* to a second reading.

Mr. Kercheval asked and obtained leave to introduce a bill for "An act to vacate the town plat of East Lockport;" which was read the first time, and

*Ordered* to a second reading.

Mr. Gilham asked and obtained leave to introduce a bill for "An act to amend an act to incorporate the Quincy, Griggsville, Jacksonville, and Springfield Turnpike Company;" which was read the first time, and

*Ordered* to a second reading.

Mr. Gouge asked and obtained leave to introduce a bill for "An act to incorporate the town of Decatur;" which was twice read, and referred to the committee on the Judiciary.

Mr. Smith of Wabash asked and obtained leave to introduce a bill for "An act to incorporate the Mount Carmel Grimke Literary Association;" which was read, and

*Ordered* to a second reading.

Mr. Walker of Vermilion asked and obtained leave to introduce a bill for "An act to repeal an act to improve the navigation of the Big Vermilion;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Philips asked and obtained leave to introduce a bill for "An act declaring Fox river, in White county, a navigable stream;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Holmes asked and obtained leave to introduce a bill for "An act

to provide for the location of the county seat of Cass county;" which was read, and

*Ordered* to a second reading.

Mr. Williams asked and obtained leave to introduce a bill for "An act to authorize Amzi Doolittle to keep a ferry across the Mississippi river;" when, on motion,

The House adjourned.

FRIDAY, JANUARY 25, 1839.

House met pursuant to adjournment.

A message from the Council of Revision was received by Mr. McLean, their Secretary, announcing the approval of bills of the following titles, viz:

"An act to repeal a certain act therein named;"

"An act to relocate a part of a certain State road therein named;"

"An act to increase the number of justice's districts in the county of Greene;"

"An act to change the name of the town of Vienna, in the county of Fulton;"

"An act to repeal part of an act, entitled 'An act to incorporate the Kaskaskia Bridge Company;'"

"An act to authorize Thomas Reynolds and Elisha Seymour to build a toll-bridge across the Kaskaskia river at Farmington, in the county of St. Clair;" and

"An act to incorporate the Menard Academy of Kaskaskia."

Mr. Elkin, from the committee on Enrolled Bills, reported, as correctly engrossed bills, entitled

"An act repealing all laws in relation to a State road leading from William Crow's, in Morgan county, to Musick's bridge, in Sangamon county;"

"An act to change the name of the town of Leesburg;" and

"An act for the relief of trustees of schools, in township six north, range eight west, in Madison county."

Mr. Craig presented the petition of sundry citizens, praying for a road from Monmouth, via Millersburg, to Illinois city, in Rock Island county; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Craig, Green of Greene, and Compher, be that committee.

Mr. Craig also presented the petition of sundry citizens, for a road from New Boston, via Millersburg, to Richmond; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Craig, Green of Greene, and Compher, be that committee.

Mr. Foster presented the petition of sundry citizens of Marion and Clay counties, praying the location of a certain State road therein named to be a State road; which, on his motion, was referred, without reading, to the committee on State Roads.

Mr. Roman presented the petition of twenty-five males and females, praying a repeal of all laws granting license for the sale of intoxicating

liquors, which, on his motion, was referred, without reading, to the committee on the Judiciary.

Mr. Allen of Franklin presented the petition of sundry citizens of Franklin county, asking the privilege for Samuel Hillon and Sylvanus Mason to erect a mill-dam across Big Muddy river; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Allen of Franklin, Crain, and Logan, be that committee.

Mr. Jarrott presented the petition of William G. Goforth, for an act regulating the practice of medicine; which, on his motion, was referred, without reading, to the committee on Salines.

Mr. Hardin presented the petition of sundry citizens, praying a repeal of all laws authorizing the retailing of intoxicating liquors; which, on his motion, was referred, without reading, to the committee on the Judiciary.

Mr. Johnson presented the petition of sundry citizens of Bond county, praying the passage of an act to cause their respective shares of the \$200,000 to be added to the county school fund; which, on his motion, was referred, without reading, to the committee on the Judiciary.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred a certain petition, reported a bill for "An act to declare Little Rock river navigable," which was read, and

*Ordered* to a second reading.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred "An act to improve the navigation of the Embarrass river," reported the same without amendment; when,

On motion of Mr. Elkin,

It was laid on the table.

Mr. Naper, from the select committee to which was referred a certain petition, reported a bill for "An act to change a part of a State road therein named;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Roberts, from the select committee to which was referred a certain petition, reported a bill for "An act to relocate the seat of justice, in the county of Iroquois;" which was twice read, and,

On motion of Mr. Roberts,

Referred to the committee on Counties.

Mr. Zimmerman, from the select committee to which was referred a bill for "An act to locate a State road from Jonesborough, in Union county, to Samuel Ryburn's, sen'r, in Franklin county," reported the same without amendment; and it was

*Ordered* to be engrossed for a third reading.

Mr. Walker of Vermilion, from the select committee to which was referred a bill for "An act to vacate a part of the Shelbyville and Danville State road," reported the same with an amendment; which was read and concurred in, and the bill, as amended, referred to the committee on State Roads.

Mr. Edmonston, from the select committee to which was referred a bill for "An act to amend the several laws in this State regulating elections," reported the same with an amendment; which was read and concurred in, and the bill, as amended,

*Ordered* to be engrossed for a third reading.



Mr. Maus, from the select committee to which was referred a certain petition, reported a bill for "An act to extend the corporate powers of the town of Pekin;" which was twice read, and referred to the committee on the Judiciary.

Mr. Compher, from the select committee to which were referred certain petitions, reported a bill for "An act to locate and establish certain State roads in Peoria and Knox counties;" which was twice read, and  
*Ordered* to be engrossed for a third reading.

Mr. Roman, from the select committee to which was referred a certain petition, reported a bill for "An act to divorce Seaborn Wadsworth from his wife Sucky Wadsworth;" which was read the first time.

The question was put—"Shall the bill be ordered to a second reading?" and decided in the negative.

Mr. Stapp, from the select committee to which was referred a certain petition, reported a bill for "An act to incorporate the Genesee Manual Labor High School;" which was twice read, and referred to the committee on Education.

Mr. Maus, from the select committee to which was referred the engrossed bill for "An act to establish a State road between Tremont and Dillon, in Tazewell county," reported the same with an amendment; which was read and concurred in, and, on his further motion, referred to the committee on State Roads.

Mr. Stapp, from the select committee to which was referred a certain petition, reported a bill for "An act to locate a State road from Farmington to Monmouth, in Warren county;" which was twice read, and,

On motion of Mr. Rawalt,

Referred to the committee on State Roads.

Mr. Thomas of St. Clair, from the select committee to which was referred a certain petition, reported a bill for "An act to change the name of the town of Mechanicsburg;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Kent, from the select committee to which were referred two certain petitions, reported a bill for "An act vacating a part of the town of Illinois city, and changing the name of the residue to that of Union town;" which was read the first time, and

*Ordered* to a second reading.

The bill for "An act limiting justices of the peace and constables to their several districts respectively," which was yesterday reported to the House by Mr. McMillan, from the select committee to which the said bill had been referred, was taken up, together with the report and amendments of said committee: the amendments were read and concurred in.

Mr. Moore moved to amend, by adding the following:

SEC. —. That hereafter each justice of the peace within this State, previous to issuing any summons or warrant in civil cases, shall require from each plaintiff, or his agent, a bill of particulars specifying the items composing the demand of such plaintiff, with the amount of each item, in order to enable such justice of the peace to endorse on the back of such summons or warrant the amount due to such plaintiff.

Mr. Moore moved to refer the bill and amendment to the committee on the Judiciary.

Mr. Daley moved to lay them on the table till the fourth day of July next.

The question was taken on the reference to the committee on the Judiciary, and decided in the affirmative.

Mr. Jarrott offered for adoption the following:

*Whereas* the Constitution of this State provides that "no judge of any court of law or equity, Secretary of State, Attorney General, Attorney for the State, register, clerk of any court of record, sheriff or collector, member of either House of Congress, or person holding any lucrative office under the United States, or this State, (provided that appointments in the militia, postmasters, or justices of the peace, shall not be considered lucrative offices,) shall have a seat in the General Assembly, &c. Therefore,

*Resolved*, That the committee on the Judiciary be instructed to inquire whether any member of this House, since taking his seat, has been appointed to any office under the General Government; whether such appointment has been accepted; and, if so, whether such person is properly entitled to hold his seat; and that they report the result of their inquiry to this House."

Mr. Walker of Vermilion called for a division of the question, so as to take the vote separately on the preamble and resolution.

Mr. Calhoun moved to lay them on the table; when,

On motion,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Elkin, from the committee on Engrossed Bills, reported, as correctly engrossed, bills of the following titles:

"A bill for an act declaring Fox river, in White county, a navigable stream;"

"A bill for an act to locate the county seat of Whiteside county, and to provide for the election of county officers;" and

"A bill for an act to incorporate the Jefferson Institute."

Mr. Flood, from the committee on Enrolled Bills, reported as correctly enrolled, bills, entitled

"An act to incorporate the town of Danville;"

"An act to create and organize the county of Scott;" and

"An act for the relief of Robert Davis and others."

The Speaker laid before the House a communication from William Kinney, President of the Board of Public Works, transmitting the report of D. Burr, Esq., principal engineer of the States of Indiana and Illinois, on the Great Wabash river improvement; which was read, and,

On motion of Mr. Dubois,

Laid on the table, and ordered to be printed with the report of the Commissioner of the fourth judicial circuit.

The bills from the Senate, entitled

"An act to vacate the survey and plat of the town of Middletown;"

"An act relating to towns therein named;" and

"An act to change a part of the State road from Peoria to Knoxville, in Knox county, and for other purposes;"

Were severally read the first time, and

*Ordered* to a second reading.

The bill from the Senate, entitled "An act supplemental to 'An act to erect certain bridges,' approved January 23, 1831," was twice read, and referred to a select committee.

*Ordered*, That Messrs. Edmonston, Stapp, and Elkin, be that committee.

The bill from the Senate for "An act to change the name of the town of Augusta, in Pike county," was twice read, and

*Ordered* to a third reading.

The bill from the Senate for "An act to increase the corporate powers of the town of Chester," was twice read, and,

On motion of Mr. Jones,

Referred to the committee on the Judiciary.

The bill from the Senate for "An act to authorize Philip Jarboe and Harvey M. Jarboe to establish a ferry across the Illinois river," was twice read, and referred to a select committee.

*Ordered*, That Messrs. Allen of Greene, Kerr and Happy, be that committee.

The bill from the Senate, entitled "An act to authorize limited partnerships," was twice read, and

Referred to the committee on the Judiciary.

The amendments of the Senate to the bill and title to the bill for "An act relative to the town of Naples," were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The bill from the Senate, entitled "An act to authorize the county commissioners' court of Randolph county to change and alter State roads in said county," was twice read, and,

On motion of Mr. Jones,

Referred to a select committee.

*Ordered*, That Messrs. Jones, Thomas of St. Clair, and Menard, be that committee.

The bill from the Senate, entitled "An act to establish the Illinois Asylum for the education of the deaf and dumb," was twice read, and,

On motion of Mr. Henry,

Referred to the committee on Education.

The bills from the Senate, entitled

"An act to legalize the survey of the town of Carthage;"

"An act authorizing the building of certain bridges, and changing certain appropriations;" and

"An act concerning the town of Lynnville;"

Were severally read twice, and

*Ordered* to a third reading.

The bill from the Senate for "An act to locate a State road from Shelbyville to Danville," was twice read, and,

On motion of Mr. Walker of Vermilion,

Referred to a select committee.

*Ordered*, That Messrs. Walker of Vermilion, Thornton, and Cunningham, be that committee.

The bill from the Senate for "An act to incorporate the Central Seminary of Illinois," was read twice, and,

On motion of Mr. Harris,

Referred to the committee on Education.

The bill from the Senate for "An act to amend 'An act to incorporate the Union College of Illinois,'" was read the first time, and

*Ordered* to a second reading.

The bill from the Senate for "An act to provide for publishing the decisions of the Supreme Court," was twice read, and,

On motion of Mr. Hardin,

Referred to the committee on the Judiciary.

The bill from the Senate for "An act providing for the improvement of certain roads in Edgar county," was twice read, and,

On motion of Mr. McMillan,

Referred to a select committee.

*Ordered*, That Messrs. McMillan, Archer, and French, be that committee.

The bill from the Senate for "An act to amend an act, entitled 'An act forming an additional justice's district in the county of Randolph,'" was twice read, and,

On motion of Mr. Jones,

Referred to a select committee.

*Ordered*, That Messrs. Jones, Thomas of St. Clair, and Menard, be that committee.

The bill from the Senate for "An act for the relief of the judge of the sixth judicial circuit of the State of Illinois," was twice read.

Mr. Williams moved to amend, by striking out the first section; when,

On motion of Craig,

The bill and amendment were referred to the committee on the Judiciary.

The bill from the Senate for "An act to amend an act concerning justices of the peace and constables, approved February 3d, 1827," was twice read, and, on motion of Mr. Moore,

Referred to the committee on the Judiciary.

The bill from the Senate entitled "An act to relocate the State road from Atlas, in Pike county, to the southern line of Adams county," was twice read, and,

On motion of Mr. Williams,

Referred to the committee on State Roads.

The bill from the Senate, entitled "An act to authorize George W. Jones to establish a ferry from Jordan's ferry to Du Buque," was twice read, and referred to a select committee.

*Ordered*, That Messrs. Craig, Roman, and Kercheval, be that committee.

On motion of Mr. Huey,

The engrossed bill for "An act to change an appropriation heretofore made to Clinton county," which had been three times read and laid on the table, was taken up and referred to a select committee.

*Ordered*, That Messrs. Huey, Roman, and George Smith, be that committee.

The bill from the Senate, entitled "An act to create the county of Brown out of the county of Schuyler," was twice read, and,

On motion of Mr. McCutchen,

Referred to the committee on Counties.

The bill from the Senate, entitled "An act to prohibit betting on elections," was twice read; when,

Mr. Otwell moved to amend the bill, by adding the following as an additional section, viz:

SEC. That from and after the first day of April, in the year one thousand eight hundred and thirty nine, no marshal or deputy marshal, no post master or deputy postmaster, no receiver or register of a land office, or any of their deputies or clerks, no surveyor general of the public lands or any of his deputies or assistants, no engineer or officer employed, or agent employed and concerned in the execution or superintendence of any of the public works of this State, shall, by word, message, or writing, or in any other manner whatever, endeavor to persuade any elector to give, or dissuade, any electors from giving, his vote for the choice of any person to be elector of President and Vice President of the United States, or for the choice of any person to be Senator or Representative in the Congress of the United States, or for the choice of any person to be Governor or Lieutenant Governor of this State, or of any person to be representative or member in the legislative department of this State, or for the choice of any person to serve in any public office established by the laws of this State; nor shall any such officer or person intermeddle in any of the elections above mentioned, or use any means, with intent to influence or control the same, otherwise than by giving his own vote: and every person offending herein shall be liable to indictment, and, upon conviction, shall be fined in a sum not exceeding one thousand dollars, or imprisoned in the county jail not exceeding six months: and every person convicted upon any such indictment, shall thereby become disabled and incapable of ever bearing or executing any office or place of trust whatever under the laws of this State. It shall be the duty of every circuit judge and municipal judge in this State to give this act in special charge to each and every grand jury empaneled and charged by such judge.

On motion of Mr Henry,

The bill and proposed amendment were referred to the committee on Elections.

The resolution from the Senate in relation to the election of President of the United States was read; when,

On motion of Mr. Hardin,

It was amended, by striking out "1841," and inserting "1845."

Mr. Edmonston moved to amend the resolution so that the President shall not be eligible more than six in twelve years; which was not agreed to.

Mr. Alexander moved to amend by striking out "eight," and inserting "twelve."

Mr. Thornton called for a division of the question.

The question was then taken on striking out, and decided in the negative.

On the question—"Shall the resolution as amended be adopted?"

It was decided in the affirmative, by yeas and nays, as follow, upon the call of Messrs. Williams and Cloud, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Green, Archer, Brown, Calhoun, Carpenter, Churchill, Cloud, Copland, Craig, Dawson, Dubois, Edmonston, Elkin, Elliott, Emmerson, English, Ficklin, Flood, Foster, French, Gilham, Green of Clay, Green of Greene, Hankins, Happy, Hardin, Henry, Holmes, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kercheval, Kerr, McCormick, McCutchen, McMillan, McWilliams, Maus, Menard, Moore, Morgan Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Philips, Read, Roberts, Robinson, Roman, G. Smith, R. Smith, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Vermilion, Webb of White, Williams, Zimmerman, and Mr. Speaker—65.

Those who voted in the negative, are,

Messrs. Allen of Franklin, Crain, Cunningham, Harris, Logan, Pace, and Wood—8.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence in the amendments of the House to said resolution.

On motion of Mr. Green of Clay,

Leave of absence was given to Mr. Hankins.

Mr. Pace moved to take up the resolutions from the Senate, appointing the second Monday in February next for this General Assembly to adjourn *sine die*: when,

The House adjourned.

## SATURDAY, JANUARY 26, 1839.

House met pursuant to adjourment.

Mr. Flood, from the committee on Enrolled Bills, reported that bills of the following titles had been laid before the Council of Revision:

“An act to incorporate the town of Danville;”

“An act to create and organize the county of Scott;” and

“An act for the relief of Robert Davis and others.”

The preamble and resolution under consideration when the House adjourned yesterday forenoon, directing the committee on the Judiciary to inquire whether any member of this House holds an office under the General Government inconsistent with such membership, were taken up.

Mr. Calhoun withdrew his motion to lay them on the table.

Mr. Happy offered the following amendment:

“That the committee further inquire whether any member of this House holds the office of school commissioner; and, if so, whether such member is eligible to a seat in the General Assembly.”

On motion of Mr. Maus,

The amendment was amended, as follows:

“That the committee also be instructed to inquire whether any member of this House is a president, cashier, or director of the State Bank of Illinois; and, if so, if he retains his seat in violation of the proviso of the 14th section of the act chartering said bank; and to report as soon as practicable.”

The amendment as amended was then adopted.

The question was put—“Shall the preamble and resolution, as amended, be adopted?” and decided in the affirmative.

Mr. Elkin, from the committee on Engrossed Bills, reported, as correctly engrossed, bills of the following titles:

“An act declaring the Mauvaise-terre creek a navigable stream;”

“An act to locate a State road from Naperville, in Cook county, to Indian creek, in McHenry county;”

“An act concerning a State road in Wabash county;”

“An act to repeal ‘An act to improve the navigation of the Big Vermilion;’” and

“An act further to define the duties of justices of the peace and constables.”

Mr. Dubois presented a petition of Walter Buchanan and 188 gentlemen and ladies of Lawrence county, praying a repeal of the license law; which was read, and, on his further motion, referred to the committee on the Judiciary.

Mr. Craig presented sundry petitions for the division of Ogle county, and sundry remonstrances against the division of said county, and a recantation of certain citizens of Ogle county who signed a remonstrance against a division of said county; which were referred, on his motion, without reading, to a select committee.

*Ordered*, That Messrs. Craig, Henderson, and Naper, be that committee.

Mr. Dawson presented a petition of the citizens of the town of Athens, in the county of Sangamon, praying for a law to amend the recorded plat of said town; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Dawson, Elkin, and McCormick, be that committee.

Mr. Alexander presented a petition of sundry citizens of Jasper county, in relation to the improvement of the Embarrass river; which was referred, on his motion, without reading, to a select committee.

*Ordered*, That Messrs. Alexander, Ficklin, and Dubois, be that committee.

Mr. Jarrott presented a petition of the ladies of Belleville, in St. Clair county, praying for an act to promote temperance; which was referred, on his motion, without reading, to the committee on the Judiciary.

Mr. Harris presented a petition of 18 citizens of Macoupin and Greene counties, praying for the abolition of slavery, &c.; which was read.

Mr. Harris moved to refer it to a select committee of five; which was not agreed to; when,

On motion of Mr. Lyons,

It was laid on the table.

Mr. Archer presented a petition of citizens of Clark county, for a State road from York to Martinsville, thence to Charleston, in Coles county; which was read, and, on his further motion, referred to the committee on State Roads.

Mr. Green of Clay presented two certain petitions, to wit: a petition from sundry citizens of Clay county, praying for a change of a part of a State road therein named; and a petition of sundry citizens of Clay

county praying for a State road therein named; which were referred, without reading, on his motion, to the committee on State Roads.

Mr. Archer presented a petition of citizens of Clark county in favor of the turnpike road from Charleston to the Wabash river, terminating at Darwin; which was read, and, on his motion, referred to the committee on Internal Improvements.

Mr. Pace presented a petition of sundry citizens of Jefferson county for the relocation of part of the State road from Mount Vernon to Fairfield; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Pace, Robinson, and Carpenter, be that committee.

Mr. Kerr presented a remonstrance of sundry inhabitants of Pike county against a change of the State road from Atlas to the county line of Adams county; which was referred, on his motion, without reading, to the committee on State Roads.

Mr. Webb of White presented a petition of Thomas Bishop, praying a change in the name of the town of Florence; which was referred, without reading, on his motion, to the committee on the Judiciary.

Mr. Moore, from the committee on Counties, to which was referred a bill for "An act to relocate the seat of justice in the county of Iroquois," reported the same with an amendment; which was read and concurred in, and the bill

*Ordered* to be engrossed for a third reading.

A message from the Senate, by Mr. Harrison, a Senator:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of the bill for "An act to incorporate the McKendree College."

They have also concurred with them in the passage of the bill, entitled "An act for the relief of the securities of Thomas Moore," as amended by them; in which amendment they ask the concurrence of the House of Representatives.

They have laid on the table, until the 4th day of July next, the bill from the House of Representatives, entitled "An act to prevent trespassing by cutting timber."

They have passed bills of the following titles, to wit:

"An act of incorporation for the Upper Alton Manufacturing Company;"

"An act to amend an act, entitled 'An act regulating elections,' in force June 1, 1829;"

"An act to legalize the sub-division of block thirty, in the school section addition to the town of Chicago;"

"An act to vacate and relocate a part of the State road leading from White's ferry to the Drowning fork of Crooked creek;"

"An act to change the name of the town of Savannah;"

"An act to incorporate the town of Kaskaskia;"

"An act appointing an additional notary public for the county of Hancock;"

"An act to build a bridge across Fox river at Ottawa;"

"An act to legalize the survey of certain State roads;"



"An act to extend the corporate powers of the president and trustees of the town of Belleville;"

"An act to vacate the survey and plat of the sub-division of block forty-one, in the town of Monmouth;"

"An act establishing ferries on school lands for the use of the inhabitants of townships;"

"An act to relocate a part of the Chicago road, in the counties of Clark and Edgar;"

"An act to amend the several acts incorporating the town of Galena;"

"An act to amend the act, entitled 'An act relative to wills and testaments, executors and administrators, and the settlement of estates,' approved January 23, 1829;"

"An act to relocate part of a State road in Franklin county;"

"An act laying out a State road in Alexander county;"

"An act to provide for the removal of the public offices to Springfield;"

"An act to incorporate the Chester Insurance Company;" and

"An act to incorporate the town of Quincy."

In the passage of which several bills they ask the concurrence of the House of Representatives. And then he withdrew.

Mr. Hardin, from the committee on the Judiciary, to which was referred certain petitions, praying the Legislature to pass an act repealing all laws authorizing the retailing of intoxicating liquors, made a report, accompanied by bill. [See volume of Reports accompanying the Journal.]

The bill accompanying the report, entitled "An act to regulate the granting of tavern license," was then read the first time, and

*Ordered* to be engrossed for a second reading; and,

The rule of the House being dispensed with, was read the second time by its title.

Mr. Otwell moved that the bill and report be laid on the table, and that 150 copies of the bill, and 5,000 copies of the report be printed.

Mr. Henry moved to refer the bill and report to the committee on the Judiciary.

The question was then taken upon laying on the table and printing, as proposed by Mr. Otwell,

And decided in the affirmative.

Mr. Flood, from the committee on Enrolled Bills, reported, as correctly enrolled, a bill for "An act to incorporate McKendree College."

Mr. Walker of Vermilion, from the committee on Salines, to which was referred a certain petition, reported a bill for "An act to regulate the practice of medicine;" which was read the first time.

The question was put—"Shall the bill be ordered to a second reading?" And decided in the negative.

Mr. McCormick, from the committee on Manufactures and Agriculture, reported a bill for "An act establishing a general system of turn-piking;" which was twice read.

Mr. Maus moved to refer it to a select committee of five; when,

On motion of Mr. Elkin,

It was referred to the committee on State Roads.

Mr. Pace, from the committee on Manufactures and Agriculture, to which was referred a certain resolution, relative to the lien of mechanics

upon work done by them, reported the same, and asked to be discharged from the further consideration thereof; which was granted.

Mr. Craig, from the committee on the Judiciary, to which was referred a bill for "An act to incorporate the Wapello Manufacturing Company," reported the same without amendment; and it was

*Ordered* to be engrossed for a third reading.

Mr. Edmonston, from the select committee to which was referred a bill from the Senate for "An act supplemental to an act, entitled 'An act to erect certain bridges,' approved January 22, 1831," reported the same without amendment; whereupon, it was

*Ordered* to a third reading.

Mr. Flood, from the select committee to which was referred a bill for "An act to amend an act, entitled 'An act prescribing the mode of summoning grand and petit jurors, and defining their qualifications and duties,' together with the amendments proposed thereto, reported the same with sundry amendments to the amendments; which were read and concurred in.

The amendments, as amended, were then concurred in; when,

On motion of Mr. Henderson,

The bill, as amended, was laid on the table.

Mr. Jones, from the select committee, to which were referred a bill from the Senate for "An act to authorize the county commissioners' court of Randolph county to change and alter State roads in said county," reported the same without amendment; when it was

*Ordered* to a third reading.

Mr. Calhoun, from the select committee to which were, some days since, referred certain resolutions offered by Mr. Walker of Vermilion, relative to the public deposits, reported a substitute therefor; which was received and read, as follows:

*Whereas*, by the act of Congress regulating the deposite of the public money in State Banks, approved June 23, 1836, it was provided that at least one bank should be selected in each State or Territory, if any such existed, willing to be employed as a depository of the public money: and whereas there are two banks in Illinois, both of them solvent and safe, neither of which is now employed as the depository of the public money collected in this State: and whereas the money so collected in Illinois is deposited in the State Bank of Missouri, to the manifest injury of our Banks and the people of the State: and whereas the Secretary of the Treasury, under the provisions of the act of 1789, has selected many banks which would have been excluded from the benefits of the deposite act of 1836 as depositories of the public money; which said banks, in common with our own, could not have been selected as depositories of the public money under the provisions of the act of 1836:

1. *Be it resolved, by the General Assembly of the State of Illinois*, That our Senators be instructed, and our Representatives, requested, to use every effort necessary to obtain, if possible, the deposite of the money of the General Government, collected in this State, in the Banks of this State, so long as the State Bank deposite system shall be continued.

2. *Resolved*, That, if any change, by law, be made in the plan of depositing the revenue in Banks, our Senators be instructed, and our Representatives requested, to provide, by law, for the deposite of all the

revenue, collected in this State, in the Banks of this State, so long as banks may be used as the fiscal agents of the Government.

2. *Resolved*, That we deprecate any policy which gives to banks, similarly situated with our own, the deposite of the public revenue, whilst the same benefit, resulting from the deposite system, is not extended to our own banks.

4. *Resolved*, That the Governor be requested to transmit a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

Mr. Dunn moved to strike out all of the substitute after the words "*Be it resolved*," and insert, in lieu thereof, the following:

1. *By the Senate and House of Representatives of the State of Illinois*, That we view, with deep regret, the partiality exercised by the General Government, in causing the deposites of public moneys, collected in the State of Illinois, to be made in banks without the same.

2. *Resolved*, That as citizens of Illinois, and Representatives of the people thereof, we have confidence in the solvency and safety of our own banking institutions.

3. *Resolved*, That while we deplore the distracted condition of the country, in relation to the vexed questions of policy and law as to the proper mode of safe-keeping of the revenues of the General Government, we cannot view, with composure, the continual drain upon our circulating medium, caused by the proceeds of sales of public lands being deposited in banks of other States, thereby giving those banks a decided advantage over our institutions and our citizens.

4. *Resolved*, That we have no hesitation in declaring that the policy and practice of depositing the revenues of the General Government, collected in this State, in the Bank of Missouri, is at war with our best interests; the more especially so since we see that the public moneys are still deposited in banks to some extent.

5. *Resolved*, That we consider submission, on the part of our public functionaries in and out of Congress, to the practice of withdrawing from our State the revenues collected here, and depositing them to the support of another banking institution, in a neighboring State, as a humiliating surrender of the rights of our citizens and their claims to equal justice, protection, and support.

6. *Resolved*, That while we accord most willingly and cheerfully whatever advantages may arise to other States from the deposite of revenue collected therein, we are not willing to yield to them the advantages derived from revenue collected in our own.

7. *Resolved*, That our Senators be instructed, and our Representatives requested, to use the influence which their station gives them, to change the present system of calling out of the State the revenues collected herein, no matter by what rule or regulation the same be countenanced and supported.

Mr. English called for a division of the question, so as to take the vote separately on striking out.

Mr. Alexander moved that the House adjourn until 2 o'clock, P. M.; not agreed to.

Mr. Murphy of Cook moved that the House adjourn; not agreed to.

The question was taken on striking out all after the words "*Be it resolved*," and decided by yeas and nays, on the call of Messrs. Williams and Calhoun, in the negative, as follow:

Those who voted in the affirmative, are,

Messrs. Archer, Dubois, Dunn, Elkin, Elliott, Emmerson, Hardin, Henderson, Henry, Jarrott, Jones, Kent, Kerr, Lincoln, Lyons, McCutchen, Marshall, Menard, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, Stapp, Webb of White, and Williams—27.

Those who voted in the negative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copland, Craig, Crain, Daley, Dawson, Edmonston, English, Ficklin, Flood, Foster, French, Gilham, Gouge, Green of Clay, Green of Greene, Happy, Harris, Holmes, Huey, Hull, Johnson, Kercheval, Logan, McCormick, McMillan, McWilliams, Maus, Moore, Morgan, Murphy of Cook, Murphy of Perry, Naper, Pace, Robinson, Roman, George Smith, Robert Smith, Thomas of St. Clair, Thornton, Walker of Fulton, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—55.

Mr. Rawalt moved that the House adjourn till 2 o'clock, P. M.; which was not agreed to.

Mr. Stapp moved that the House adjourn; not agreed to.

Mr. Webb of White moved to strike out, in the first resolution, the words, "so long as the State Bank deposit system shall be continued."

Mr. Carpenter moved that the House adjourn till 2 o'clock, P. M.; which was not agreed to.

Mr. Webb of White moved to refer the resolutions, substitute, and amendment, to a committee of the Whole House, and make them the order of the day for this afternoon; which was not agreed to.

On motion of Mr. Carpenter,

The House adjourned until 2 P. M.

#### TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Cloud moved that the orders of the day be postponed, and the House resume the consideration of the resolutions, substitute, and amendment relative to the public deposits; which was agreed to.

The question was taken on the amendment proposed by Mr. Webb of White, and decided in the negative.

On motion of Mr. Hardin,

The following proviso was added at the end of the first resolution:

*Provided*, That we do not intend to express, by this resolution, any opinion of this Legislature, either in relation to the Sub-treasury system, or the chartering of a National Bank, or of the State Bank deposit system.

On motion of Mr. Calhoun,

The words "if possible," were stricken out of the first resolution.

The question was then put—"Shall the substitute reported by the committee be concurred in, as amended?"

And decided in the affirmative.

The question being upon the passage of the preamble and resolutions, as amended,

Mr. Happy called for a division of the question, so as to take the vote separately on the preamble and the resolutions.

Mr. Hardin called for a division, so as to take the vote separately on each resolution.

The question was put upon the passage of the first resolution, and decided in the affirmative, by yeas and nays, on the call of Messrs. Hardin and Webb of White, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Brown, Calhoun, Carpenter, Cloud, Compher, Copland, Craig, Crain, Daley, Dawson, Dubois, Dunn, Edmonston, Elkin, Elliott, Emmerson, English, Ficklin, Flood, Foster, Gilham, Green of Clay, Green of Greene, Happy, Hardin, Henderson, Henry, Holmes, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kercheval, Kerr, Lincoln, Logan, McCutchen, McWilliams, Menard, Moore, Morgan, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Pace, Philips, Rawalt, Read, Roberts, Robinson, Roman, George Smith, Robert Smith, Stapp, Thomas of St. Clair, Thornton, Walker of Vermilion, Webb of Alexander, Webb of White, Williams, Zimmerman, and Mr. Speaker—71.

Those who voted in the negative, are,

Messrs. Churchill, Gouge, Harris, and Murphy of Cook—4.

The question was put upon the passage of the second resolution, and decided in the affirmative, by yeas and nays, on the call of Messrs. Webb of White and Walker of Vermilion, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Brown, Calhoun, Carpenter, Cloud, Compher, Copland, Craig, Crain, Daley, Dawson, Dunn, Edmonston, Elkin, Elliott, Emmerson, English, Ficklin, Flood, Foster, Gilham, Green of Clay, Green of Greene, Happy, Hardin, Harris, Henderson, Henry, Holmes, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kercheval, Kerr, Lincoln, Logan, McCutchen, McWilliams, Moore, Morgan, Murphy of Perry, Naper, Otwell, Pace, Philips, Rawalt, Read, Roberts, Robinson, Roman, George Smith, Robert Smith, Stapp, Thomas of St. Clair, Thornton, Walker of Vermilion, Webb of Alexander, Williams, Zimmerman, and Mr. Speaker—63.

Those who voted in the negative, are,

Messrs. Churchill, Dubois, Gouge, Menard, Murphy of Cook, Murphy of Vermilion, and Webb of White—7.

The question was put upon the passage of the third resolution, and decided in the affirmative, by yeas and nays, upon the call of Messrs. Churchill and George Smith:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Brown, Calhoun, Carpenter, Cloud, Compher, Copland, Craig, Crain, Cunningham, Daley, Dawson, Dubois, Dunn, Edmonston, Elkin, Elliott, Emmerson, English, Ficklin, Flood, Foster, Gilham, Gouge, Green of Clay, Green of Greene, Happy, Hardin, Henderson, Henry,

Holmes, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kercheval, Kerr, Lincoln, Logan, McCutchen, McWilliams, Menard, Moore, Morgan, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Pace, Philips, Rawalt, Read, Roberts, Robinson, Roman, George Smith, Robert Smith, Stapp, Thomas of St. Clair, Thornton, Walker of Vermilion, Webb of Alexander, Webb of White, Williams, Zimmerman, and Mr. Speaker—72.

Those who voted in the negative, are,

Messrs. Bainbridge, Churchill, Harris, Murphy of Cook, and Wood—5.

The question was then put upon the passage of the fourth resolution, and decided in the affirmative, by yeas and nays, on the call of Messrs. Churchill and Daley, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Brown, Calhoun, Carpenter, Cloud, Compher, Copland, Craig, Crain, Cunningham, Daley, Dawson, Dubois, Dunn, Edmonston, Elkin, Elliott, Emmerson, English, Ficklin, Flood, Foster, Gilham, Green of Clay, Green of Greene, Happy, Hardin, Henderson, Henry, Holmes, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kercheval, Kerr, Lincoln, Logan, Lyons, McCutchen, McWilliams, Menard, Moore, Morgan, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Pace, Philips, Rawalt, Read, Roberts, Robinson, Roman, George Smith, Robert Smith, Stapp, Thomas of St. Clair, Thornton, Walker of Vermilion, Webb of Alexander, Webb of White, Williams, Wood, Zimmerman, and Mr. Speaker—74.

Those who voted in the negative, are,

Messrs. Churchill, Gouge, Harris, and Murphy of Cook—4.

The question now being on the adoption of the preamble, Mr. English called for a division thereof, so as to take the vote separately, and in the first place, on the latter part of the preamble, from the words "and whereas the Secretary of the Treasury," &c., to the end, inclusive of these words.

The question was taken on adopting the latter part of the preamble, and decided in the affirmative, by yeas and nays, on the call of Messrs. English and Daley, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Archer, Calhoun, Cloud, Craig, Cunningham, Daley, Dawson, Dubois, Dunn, Edmonston, Elkin, Elliott, Emmerson, Ficklin, Flood, Foster, Gilham, Green of Clay, Hardin, Henderson, Henry, Holmes, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kercheval, Kerr, Lincoln, Logan, Lyons, McCutchen, McWilliams, Menard, Moore, Morgan, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Pace, Philips, Rawalt, Read, Roberts, Roman, George Smith, Robert Smith, Stapp, Thomas of St. Clair, Thornton, Walker of Vermilion, Webb of Alexander, Webb of White, Williams, Wood, and Zimmerman—60.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Carpenter, Churchill, Compher, Copland, Crain, English, Gouge, Green of Greene, Happy, Harris, Murphy of Cook, Robinson, and Mr. Speaker—18.

The question was then put on adopting the first part of the preamble, and decided in the affirmative, by yeas and nays, on the call of Messrs. Copland and Bainbridge, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Franklin, Archer, Brown, Calhoun, Carpenter, Cloud, Compher, Craig, Crain, Cunningham, Daley, Dawson, Du-bois, Dunn, Edmonston, Elkin, Elliott, Emmerson, Ficklin, Flood, Foster, Gilham, Green of Clay, Hardin, Henderson, Henry, Holmes, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Logan, Lyons, McCutchen, McWilliams, Menard, Moore, Morgan, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Pace, Philips, Rawalt, Read, Roberts, Roman, George Smith, Robert Smith, Stapp, Thomas of St. Clair, Thornton, Walker of Vermilion, Webb of White, Williams, and Zimmerman—62.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Greene, Bainbridge, Churchill, Copland, English, Gouge, Green of Greene, Happy, Harris, Kercheval, Murphy of Cook, Robinson, Webb of Alexander, Wood, and Mr. Speaker—16.

Mr. Pace moved to dispense with the rules, so as to take up the resolution from the Senate fixing a day for the adjournment of the two Houses; not agreed to.

Mr. Menard, from the committee on Engrossed Bills, reported, as correctly engrossed, bills of the following titles:

“An act to change the name of the town of Mechanicsburg;”

“An act to provide for securing, to mechanics and others, liens for the value of labor and materials;” and

“An act to change a part of a State road therein named.”

And then the House adjourned.

## MONDAY, JANUARY 28, 1839.

House met pursuant to adjournment.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have laid on the table, till the 4th day of July next, a bill from the House of Representatives, entitled “An act for the relief of the infant heirs of Robert Coleman, deceased.”

They have concurred with the House of Representatives in the passage of the bill, entitled “An act to amend an act to incorporate the Caledonia Railroad Company,” as amended by them; in which amendment they ask the concurrence of the House of Representatives. And he withdrew.

Mr. Flood, from the committee on Enrolled Bills, reported that the act, antitled “An act to incorporate the McKendree College,” had been laid before the Council of Revision.

Mr. Aldrich presented a petition from the citizens of Hancock, Schuyler, and McDonough counties, praying for the relocation of a part of a State road leading from Quincy to Macomb; which was referred, without reading, on his motion, to a select committee.

*Ordered*, That Messrs. Aldrich, Edmonston, and Dawson, be that committee.

Mr. Churchill presented a petition of sundry citizens of the county of Kane, praying the location of a State road in said county; which was referred, without reading, on his motion, to the committee on State Roads.

Mr. Kercheval presented a petition of sundry citizens of Cook and Will counties, praying that a new county be formed out of a portion of Cook and Will; which was referred, without reading, on his motion, to the committee on Counties.

Mr. Walker of Vermilion presented a petition of sundry citizens of Edgar and Vermilion counties, for a State road; which was referred, without reading, on his motion, to a select committee.

*Ordered*, That Messrs. Walker of Vermilion, French, and Murphy of Vermilion, be that committee.

Mr. Kent presented a petition of sundry citizens of Winnebago county, praying for a State road from Aurora, in Kane county, by way of the county seat of De Kalb county, to Rockford, in Winnebago county, &c., and also a remonstrance against moving a part of a State road, by citizens of Winnebago county; which were referred, without reading, on his motion, to the committee on State Roads.

Mr. G. Smith presented the petition of 236 citizens of the city of Alton, praying the repeal of so much of the charter of said city as establishes a municipal court, together with the proceedings of a meeting of a portion of said citizens remonstrating against such repeal; which were referred, without reading, on his motion, to the same select committee to which were referred certain petitions relative to the boundaries of said city.

Mr. Naper presented petitions of sundry citizens, males and females, of Cook and Will counties, on the subject of temperance; which was referred, without reading, on his motion, to the committee on the Judiciary.

Mr. Naper presented a remonstrance of sundry citizens of Cook and Will counties against a State road; which was referred, on his motion, without reading, to the committee on State Roads.

Mr. McCormick presented a petition of sundry citizens of Sangamon county, relative to a State road from Springfield to Beardstown; which was twice read, and, on his motion,

Referred to a select committee.

*Ordered*, That Messrs. McCormick, Holmes, and Henry, be that committee.

Mr. Brown presented a petition of citizens of Schuyler county, on the subject of temperance; which was referred, without reading, on his motion, to the committee on the Judiciary.

Mr. Happy presented the memorial of the citizens of Morgan county, praying the construction of a lateral railroad from Exeter to a point on the Northern Cross railroad; which was referred, without reading, on his motion, to the committee on Internal Improvements.

Mr. Stapp presented a petition of 75 ladies and gentlemen of Warren county, praying the repeal of the license law; which was read, and, on his motion, laid on the table.



Mr. Stapp presented a petition of sundry citizens of Rock Island, Henry, Knox, Putnam, and Peoria counties, praying the establishment of a State road therein named, which was referred, without reading, on his motion, to the committee on State Roads.

Mr. Flood presented a communication from James B. Johnson and others, officers of the militia of Adams county; which was referred, without reading, on his motion, to the same select committee to which was, some days since, referred a bill for "An act for the organization and government of the militia of this State."

Mr. Ficklin, from the committee on Education, to which was referred a bill for "An act to incorporate the Genesee Manual Labor High School," reported the same without amendment.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Ficklin, from the same committee, to which was referred the bill from the Senate, entitled "An act to incorporate the Central Seminary of Illinois," reported the same without amendment.

The bill was then

*Ordered* to a third reading.

Mr. Stapp, from the committee on Finance, to which was referred certain resolutions, reported a bill for "An act to increase the capital stock of the Bank of Illinois, and to provide means to pay the interest on a loan or loans authorized by an act, entitled 'An act to establish and maintain a general system of internal improvement;'" which was twice read, laid on the table, and 150 copies ordered to be printed.

Mr. Gouge submitted the report of the minority of the committee on Finance, on the subject of increasing the capital of the Bank of Illinois; which was read, and, on his motion, laid on the table.

On motion of Mr. Murphy of Cook,

One hundred and fifty copies thereof were ordered to be printed.

Mr. Webb of White, from the committee on the Judiciary, to which was referred the bill from the Senate for "An act to increase the corporate powers of the town of Chester," reported the same with sundry amendments; which were read and concurred in, and the bill as amended,

*Ordered* to a third reading.

On motion of Mr. Jones,

The bill was read a third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid; that the clerk inform the Senate of the concurrence of the House of Representatives in the passage thereof, as amended by them, and ask the concurrence of the Senate in said amendments.

Mr. Hardin, from the committee on the Judiciary, reported a bill for "An act to extend the jurisdiction of justices of the peace;" which was twice read:

On motion of Mr. Baker,

The words "trespass on the case," were stricken out:

Whereupon, the bill was

*Ordered* to be engrossed for a third reading.

Mr. Stapp, from the committee on Finance, reported a bill for "An act concerning the public revenue;" which was twice read in part; when,

On motion of Mr. Ficklin,

The further reading thereof was dispensed with, and it was read by the title.

On motion of Mr. Walker of Vermillion,

It was read a second time by the title.

Mr. Stapp moved to lay it on the table, and print 150 copies thereof.

Mr. Happy moved to print 1,000 copies.

The question was put upon laying on the table, and decided in the affirmative.

The question was put on printing 1,000 copies; not agreed to.

Mr. Stapp moved that 300 copies be printed; not agreed to.

Mr. Stapp moved to print 200 copies; not agreed to.

The question recurred on printing 150 copies, and was decided in the affirmative.

Mr. Stapp moved that the public printer be directed to print the copies ordered of the act, entitled "An act concerning the public revenue," immediately; which was not agreed to.

Mr. Allen of Greene, from the select committee to which was referred the bill from the Senate, for "An act to authorize Philip Jarboe and Harvey M. Jarboe to establish a ferry across the Illinois river," reported the same without amendment:

Whereupon, it was

*Ordered* to a third reading.

Mr. McMillan, from the select committee to which was referred a bill from the Senate, for "An act providing for the improvement of certain roads in Edgar county," reported the same with sundry amendments; which were read and concurred in, and the bill, as amended,

*Ordered* to a third reading.

Mr. Copland, from the select committee to which were referred certain petitions relative to a survey and relocation of the Central railroad south of Vandalia, made a report thereon, which was read; and also reported a bill for "An act directing a resurvey and location of all that part of the Central railroad south of Vandalia;" which was read the first time, and

*Ordered* to a second reading.

Mr. Murphy of Perry made a report, from the minority of the same select committee, upon the same subject; which was read.

Mr. Copland moved to lay the report of the majority on the table, and order it to be printed.

The question was taken on laying it on the table; which was agreed to.

The question was taken on printing: not agreed to.

On motion of Mr. Naper;

The report of the minority was laid on the table.

A message from the Senate, by Mr. Bond, their Secretary.

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of the preamble and resolutions in relation to the establishment of a Surveyor General's office in the State of Illinois.

They have have passed an act, entitled "An act to incorporate the Mount Vernon Academy;" in the passage of which they ask the concurrence of the House of Representatives.

Mr. Ficklin, from the select committee to which was referred a certain petition, reported a bill for "An act to incorporate the Embarrass River Navigation Company."

And then the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Thornton,

The rules were dispensed with, and leave given him to introduce the following preamble and resolutions:

*Whereas* Henry Singleton has petitioned the Legislature for the right to purchase, of the Board of Commissioners of Public Works, the west half of the northeast quarter of section 15, in township 16 south, range 1 west of the third principal meridian, lying on the line of the Central railroad, for the purpose of erecting thereon a steam saw-mill, for sawing the railway timber of the said road: *And whereas* it is considered that, from the peculiar location of the said tract of land, it would be injudicious for the State to sell the same: Therefore,

*Resolved, by the General Assembly of the State Illinois*, That the Board of Commissioners of Public Works be, and they are hereby, authorized to lease to the said Henry Singleton a parcel or lot of land off the said west half of the northeast quarter of section 15, in township 16 south, range 1 west of the third principal meridian, for the purpose of erecting thereon a saw-mill and other improvements, for any term not exceeding ten years, reserving at the same time, to the State the full right of taking a supply of water from or over the said lot of land, for a watering station and depot on the said railroad, during the continuance of said lease, and the full and uninterrupted right of way through or along the tract so leased. The said tract to be laid off in such manner as shall least interfere with the said depot, and with the laying off of a town plat, should it be deemed expedient hereafter to lay out a town on the said half quarter section.

The question was taken—"Shall the preamble and resolution be adopted?"

And decided in the affirmative.

*Ordered*, That the Clerk carry the preamble and resolution to the Senate, and ask their concurrence therein.

Mr. Baker offered for adoption the following:

*Resolved by the House of Representatives*, (the Senate concurring herein,) That the General Assembly do adjourn on the 18th day of February next; and that after the 7th day of February next, no new business shall be introduced in either House.

Mr. Hardin moved to lay the resolution on the table.

The question was taken upon laying on the table, by yeas and nays, on the call of Messrs. Baker and Rawalt, and decided in the negative.

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Greene, Archer, Churchill, Dawson, Dunn, Edmonston, Elkin, Green of Greene, Happy, Hardin, Harris, Henderson, Henry, Holmes, Johnson, Kent, Kercheval, Logan, McCutchen, Menard, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Philips, Read, Roberts, Robinson, Roman, R. Smith, Stapp, Thomas of St Clair, Thornton, Walker of Vermilion, Wood, and Mr. Speaker—38.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Baker, Brown, Carpenter, Cloud, Compher, Copland, Crain, Dubois, Edwards, Elliott, Emmerson, Ficklin, Flood, Foster, French, Gilham, Gouge, Green of Clay, Huey, Hull, Jarrott, Jones, Kerr, Lincoln, McWilliams, Marshall, Maus, Moore, Morgan, Pace, Rawalt, G. Smith, Thomas of McLean, Webb of Alexander, Webb of White, Williams, and Zimmerman—39.

Mr. Pace moved to strike out the word "18th," in the resolution, and insert "25th," in lieu thereof.

Mr. Stapp moved to strike out "18th day of February," and insert "1st of March," in lieu thereof.

Mr. Webb of White moved to strike out all after the words "Senate concurring herein," and insert the following:

"That after the second day of February next, no new business shall be received in either House." Not agreed to.

The question recurring on Mr. Stapp's motion, Mr. Dubois called for a division thereof, so as to take the vote separately on striking out the words "18th day of February."

The question was taken on striking out, and decided in the affirmative.

The question was taken on filling the blank with the words "first of March," and decided in the negative, by yeas and nays, on the call of Messrs. Compher and Maus, as follow, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Greene, Archer, Brown, Churchill, Cloud, Crain, Daley, Dawson, Dunn, Edmonston, Elkin, Green of Greene, Huey, Kent, Kercheval, Kerr, Logan, Lyons, McCutchen, Moore, Murphy of Cook, Murphy of Perry, Naper, Read, Roberts, Roman, R. Smith, Stapp, Thornton, Walker of Vermilion, Williams, and Mr. Speaker—33.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Baker, Carpenter, Compher, Copland, Dubois, Edwards, Elliott, Emmerson, Ficklin, Flood, Foster, French, Gilham Gouge, Green of Clay, Happy, Hardin, Harris, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Lincoln, McWilliams, Marshall, Maus, Menard, Morgan, Murphy of Vermilion, Otwell, Pace, Philips, Rawalt, Robinson, G. Smith, Thomas of McLean, Thomas of St. Clair, Webb of Alexander, Webb of White, Wood, and Zimmerman—46.

Mr. Hardin moved to amend, by striking out the words "that the General Assembly do adjourn on the 18th day of February next, and." Not agreed to.

Mr. Dunn moved to lay the resolution on the table until the 15th day of February next.

The question was taken, by yeas and nays, on the call of Messrs. Baker and Jarrott, and decided in the affirmative, as follow, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Greene, Archer, Brown, Churchill, Daley, Dawson, Dunn, Edmonston, Elkin, Foster, Green of Clay, Green of Greene, Henry, Johnson, Kent, Kercheval, Kerr, Logan, Lyons, McCutchen, Moore, Murphy of Cook, Murphy of Perry, Naper, Otwell, Philips, Read, Roberts, Robinson, Roman, R. Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Vermilion, Webb of White, Wood, and Mr. Speaker—40.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Baker, Carpenter, Cloud, Compher, Copland, Crain, Dubois, Edwards, Elliot, Emmerson, Ficklin, Flood, French, Gilham, Gouge, Happy, Hardin, Harris, Holmes Huey, Hull, Jarrott, Jones, Lincoln, McWilliams, Maus, Menard, Morgan, Murphy of Vermilion, Pace, Rawalt, G. Smith, Webb of Alexander, and Zimmerman—36.

A message from the Senate by Mr. Bond, their Secretary.

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that they have passed a bill of the following title, viz: "An act fixing the salary of Judges of the Supreme Court;" in the passage of which they ask the concurrence of the House of Representatives. And he withdrew.

On motion of Mr. Lincoln,

The report and resolutions, some time since laid on the table, relative to the purchase of the public lands, by the State, from the General Government, were taken up.

Mr. Walker of Vermilion moved to amend the first resolution by adding, after the word "State," the words, "for purposes of internal improvement, and no other."

Mr. Wood moved that the House adjourn; which was not agreed to.

Mr. Johnson moved to amend the amendment by striking out the words "no other," and insert the words "ten per cent. for the purpose of common schools;" when,

On motion of Mr. Baker,

The report, resolutions, and proposed amendments were referred to a select committee.

Ordered, That Messrs. Lincoln, Johnson, Thornton, Crain, and Elkin, be that committee.

A message from the the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that they have concurred with the House in the adoption of the following resolutions, viz:

*Resolved by the General Assembly of the State of Illinois, That it is not the true policy of the United States to establish an Independent Trea-*

sure, or a Sub-treasury system; nor to collect and disburse the public revenue in specie, to the exclusion of the notes of specie paying banks.

*Resolved*, That our Senators in Congress be instructed, and our Representatives requested, to vote against any law or resolution having for its object the adoption of the Independent or Sub-treasury system in any form whatever:

That they have refused to concur in the adoption of the following resolution, viz:

*Resolved*, That it is inexpedient to consume the time of this Legislature, and waste the money of the people, in acting on resolutions which merely involve national politics. And then he withdrew.

On motion of Mr. Otwell,

*Resolved*, by the House of Representatives, That hereafter the hour of adjournment shall be to nine o'clock, A. M. in lieu of ten.

The bill introduced some evenings since by Mr. Williams, for "An act to authorize Amzi Doolittle to keep a ferry across the Mississippi river," was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Walker of Vermilion asked and obtained leave to introduce a bill for "An act to limit the punishment for murder;" which was read the first time, and,

On the question—"Shall the bill be ordered to a second reading?"

It was decided in the affirmative by yeas and nays, as follow, upon the call of Messrs. Walker of Vermilion and Allen of Greene, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Brown, Carpenter, Cloud, Compher, Copland, Crain, Dawson, Edmonston, Elkin, Elliott, Emmerson, Ficklin, Foster, Green of Clay, Green of Greene, Happy, Harris, Henderson, Hull, Kent Kerr, Lincoln, McWilliams, Maus, Menard, Moore, Murphy of Vermilion, Naper, Rawalt, Read, Roberts, Robinson, Roman, R. Smith of Madison, Stapp, Thomas of McLean, Thomas of St. Clair, Walker of Vermilion, Webb of Alexander, Williams, and Mr. Speaker—47.

Those who voted in the negative, are,

Messrs. Baker, Dubois, Edwards, French, Gilham, Gouge, Hardin, Henry, Holmes, Jarrott, Johnson, Jones, Logan, McCutchen, Morgan, Murphy of Cook, Otwell, Pace, G. Smith, Thornton, and Zimmerman—21.

Mr. Webb of Alexander asked and obtained leave to introduce a bill for "An act to revive and amend an act, entitled 'An act to incorporate the town of Caledonia;'" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Williams asked and obtained leave to introduce a bill for "An act to regulate interest on Auditor's warrants;" which was twice read and referred to the committee on Finance.

Mr. Henderson asked and obtained leave to introduce a bill for "An act to add range one to the counties of Marshall and Putnam;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Dawson asked and obtained leave to introduce a bill for "An act

to review and relocate a part of the State road leading from Springfield to Decatur;" which was twice read, and  
*Ordered* to be engrossed for a third reading.  
And then the House adjourned.

## TUESDAY, JANUARY 29, 1839.

The House met pursuant to adjournment.

Mr. Edmonston presented a petition of twenty-six male and twenty-four female petitioners, praying the repeal of all laws authorizing the licensing of retailers of ardent spirits; which, without reading, was laid on the table.

Mr. R. Smith presented a petition of sundry citizens of Alton, praying an alteration in the bounds of said city; which, on his motion, was referred, without reading, to the same select committee to which were formerly referred other petitions on the same subject.

Mr. Happy presented a memorial of the citizens of Morgan county, praying the construction of a lateral railroad, from Exeter to a point on the Northern Cross railroad; which, on his motion, was referred, without reading, to the committee on Internal Improvements.

Mr. Compher presented a petition of sundry citizens of Peoria county, praying the repeal of part of the act of 1837, extending the corporate powers of the town of Peoria; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Compher, Hull, and Robinson, be that committee.

Mr. Kent presented a petition for "An act to establish an Academy at Pickatonicka, in Winnebago county;" which, on his motion, was referred, without reading, to the committee on Education.

Mr. Henderson presented a petition of sundry citizens of La Salle and Putnam counties, relative to the abolition of slavery; which was read:

Mr. Henderson moved its reference to a select committee.

Mr. Carpenter moved to lay it on the table until the fourth day of July.

The Speaker decided that the last motion, being a motion to lay on the table until a day certain, was not the same as a motion to postpone indefinitely, and had precedence of the motion to refer.

From this decision of the Chair, Mr. Edwards appealed to the House.

The question was taken—"Will the House sustain the Chair in its decision?" And decided in the affirmative.

On motion of Mr. Baker,

The petition was laid on the table.

Mr. Henderson presented a petition of sundry ladies of Putnam county, over the age of eighteen years, relative to the abolition of slavery.

Mr. Calhoun moved to refer it to a select committee of five; when,

On motion of Mr. Williams,

It was laid on the table.

Mr. Moore, from the committee on Counties, to which was referred a bill from the Senate for "An act to create the county of Brown out of

the county of Schuyler," reported the same without amendment; and it was

*Ordered* to a third reading.

On motion of Moore,

The bill was read a third time and passed.

*Ordered*, That the title of the bill be as aforesaid; and that the Clerk inform the Senate of the concurrence of the House of Representatives in the passage thereof.

Mr. Ficklin, from the committee on the Judiciary, to which was referred a bill for "An act limiting justices of the peace and constables to their several districts respectively," reported the same, together with a substitute therefor.

Mr. Allen of Greene moved that the bill and substitute be indefinitely postponed:

The question was taken thereon, by yeas and nays, on the call of Messrs. Carpenter and Edmonston, and decided in the negative, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Greene, Archer, Bainbridge, Churchill, Cloud, Happy, Hardin, Harris, Henry, Hull, Jarrott, Johnson, Jones, Kercheval, Kerr, Marshall, Maus, Menard, Morgan, Murphy of Cook, Naper, Otwell, Pace, Robinson, Roman, George Smith, Thomas of St. Clair, Webb of Alexander, Wood, and Zimmerman—31.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Baker, Brown, Carpenter, Compher, Copland, Craig, Crain, Dawson, Dubois, Dunn, Edmonston, Edwards, Elkin, Elliott, Emmerson, Ficklin, Foster, French, Gilham, Gouge, Green of Clay, Green of Greene, Henderson, Holmes, Huey, Kent, Lincoln, Logan, McCormick, McCutchen, McMillan, McWilliams, Moore, Murphy of Perry, Rawalt, Read, Roberts, R. Smith, Stapp, Thomas of McLean, Thornton, Walker of Fulton, Walker of Vermilion, Williams, and Mr. Speaker—47.

Mr. Carpenter moved to amend the second section by adding thereto the following:

"*Provided*, That no constable shall be entitled to mileage for a greater distance than the number of miles from the justice's office to the residence of the defendant."

The question was taken on adopting the amendment, and decided in the negative, by yeas and nays, on the call of Messrs. Carpenter and McWilliams, as follow:

Those who voted in the affirmative, are,

Messrs. Allen of Franklin, Bainbridge, Carpenter, Churchill, Craig, Crain, Dubois, Edwards, French, Harris, Henderson, Huey, Jarrott, Jones, Kent, Lincoln, Logan, McCormick, McCutchen, McMillan, McWilliams, Marshall, Maus, Menard, Murphy of Perry, Read, R. Smith, Thornton, Walker of Fulton, Walker of Vermilion, Webb of Alexander, Wood, Zimmerman, and Mr. Speaker—34.

Those who voted in the negative, are,

Messrs. Aldrich, Alexander, Allen of Greene, Archer, Baker, Brown, Cloud, Compher, Copland, Dawson, Dunn, Edmonston, Elkin, Elliott, Emmerson, Ficklin, Flood, Foster, Gilham, Gouge, Green of Clay,



Green of Greene, Happy, Hardin, Henry, Holmes, Hull, Johnson, Kercheval, Kerr, Moore, Morgan, Murphy of Cook, Otwell, Pace, Rawalt, Roberts, Robinson, George Smith, Stapp, Thomas of McLean, Thomas of St. Clair, and Williams—43.

Mr. Henderson moved to amend the first section of the substitute by inserting therein, previous to the proviso thereof, the following:

"*Provided*, That in all cases where there is more than one defendant, it shall be lawful to bring an action in the district in which either of the defendants reside, and a summons may issue and be served on the other defendant or defendants, if within the county;" which was agreed to.

Mr. Rawalt moved to amend the second section of the substitute, by adding the following:

"It shall be considered a good and lawful service by the constable, in all cases, to leave a copy of the summons at the residence of the defendant, provided he is absent from his residence;" which was not agreed to.

Mr. Otwell moved to lay the bill and substitute on the table; not agreed to.

Mr. Carpenter moved to amend the substitute by striking out the second section; not agreed to.

Mr. George Smith moved to refer the bill and substitute to a select committee of five; which was not agreed to.

The question was taken on concurring in the substitute reported by the committee, as amended, and decided in the affirmative.

On motion of Flood,

The bill was referred to a select committee of five.

*Ordered*, That Messrs. Flood, Allen of Greene, Ficklin, Henderson, and Green of Clay, be that committee.

A message from the Council of Revision, by Mr. McLean, their Secretary:

*Mr. Speaker*: The Council of Revision have approved an act, entitled "An act to incorporate McKendree College." And he withdrew.

And then the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Logan,

The rules were dispensed with, and leave given him to introduce the following preamble and resolutions:

*Whereas* the State of Illinois being now engaged in the prosecution of a general system of internal improvements, the interest of the State would be consulted by the connection of her works with those of a similar character in the adjoining States; while it would appear that the mutual interest of the people, in that which would so evidently contribute to the facilities of transportation in each State, would induce them to embrace a proposition fraught with such manifest advantage to all:

*And whereas* the Cincinnati and Charleston railroad, commencing at the former city, and traversing the fertile and populous States of Kentucky, Tennessee, Georgia, and South Carolina, and terminating at Charleston, will approach within a short distance of the southern border of Illinois, whence a lateral branch would connect that extensive work with the great system of our State, and through it with Wisconsin, and the vast territory of Missouri, a conjunction of such incalculable value to those respective States, as cannot long be overlooked: *And whereas* the vast accumulation of mineral wealth, the inexhaustible quantities of iron ore, in the adjacent State of Missouri, render it an object with the mass of her citizens to obtain a certain and convenient market, where the raw material may be exchanged for manufactured article--and such the city of Charleston, from its situation, could not fail to afford: *And whereas* a company of individuals have undertaken to construct a bridge across the Mississippi river at the Grand Tower, a natural pier situated in the stream of said river, and the nearest point of approximation between the Central railroad and the Mississippi: Therefore, be it

*Resolved*, That the attention of the Legislature and citizens of Missouri be respectfully directed to the latter point, as a convenient position to effect a junction of their contemplated Iron Mountain road with the works of this State.

*Resolved*, That the attention of the Legislatures of Kentucky, Tennessee, and Missouri, be respectfully invited to the importance of said conjunctions.

*Resolved*, That we consider a connecting link between the Cincinnati and Charleston railroad an object of great importance to the said company, and to all the respective States which it traverses.

*Resolved*, That the Legislatures of Kentucky and Tennessee, or any chartered company, be respectfully invited to construct such a conjunctive work to meet the State of Illinois at the most convenient point on the Ohio.

*Resolved*, That the Legislature of Missouri, or any chartered company be respectfully invited to terminate their contemplated works, at the most convenient point for connection with the system of Illinois.

*Resolved*, That the Governor be requested, forthwith, to transmit a copy of these resolutions to each of the Legislatures of Kentucky, Tennessee, and Missouri, now in session.

The question was taken—"Shall the preamble and resolutions be adopted?"

And decided in the affirmative.

*Ordered*, That the Clerk carry the preamble and resolutions to the Senate, and ask their concurrence therein.

On motion of Mr. Allen of Greene,

*Resolved*, That two thousand copies of the report of the committee on the Judiciary on the petitions for a change of the law regulating the sale of spirituous liquors, be deposited in the office of the Secretary of the State, and bound with the Journals of this House; and the remaining three thousand shall be for the use of the members of the General Assembly; and that the Clerk be not required to enter the said report on the Journal of the House.

On motion of Mr. Thornton,

*Resolved*, by the House of Representatives, (the Senate concurring

therein,) That the Clerks of the two Houses be instructed to cause all reports to either or both Houses to be bound in a separate volume, so as to save unnecessary printing and journalizing.

*Ordered*, That the Clerk carry said resolution to the Senate, and ask their concurrence in the adoption of the same.

Mr. Murphy of Cook proposed for adoption the following resolutions, viz:

*Resolved*, That a joint select committee of three on the part of the House, and two on the part of the Senate, be appointed to inquire whether the State Bank of Illinois, or the Bank of Illinois, or their branches have been formerly engaged, or are now engaged, in mercantile or commercial pursuits contrary to the provisions of their charters; that they be specially instructed to inquire whether said banks, or either of them, have an agent or agents in or near Galena for the purpose of purchasing lead or other articles of merchandize, and other agents or commercial houses in our Atlantic cities, to whom said lead or merchandize is consigned; also, whether they have an agent or agents in Alton or other parts of this State, for the purchase of salt, pork, or other articles of merchandize; or whether they have advanced money to individuals for the purpose of trading in any article of merchandize for the use and benefit of said bank or banks; and that the said committee report to this House the probable effect of thus bringing the influence of associated and concentrated wealth in competition with the individual enterprise of our citizens.

*Resolved*, That the said committee be further instructed to inquire what is the amount of stock held by non-residents in said banks; what is the amount of stock held by residents; what is the amount of loans made on pledges or hypothecations of stock, distinguishing between residents and non-residents; what is, or has been, the amount of liabilities of the directors, either as drawers, endorsers, or discounters, during the existence of said banks?

*Resolved*, That said committee have power to send for persons and papers, and examine witnesses on oath or affirmation; and that they be also authorized to make such other inquiries respecting the condition and management of said banks as they shall deem expedient.

On motion of Mr. Dubois,

The last clause of the last resolution was stricken out.

Mr. Aldrich moved to amend the resolutions so as to make it a joint select committee of three on the part of the House, and two on the part of the Senate; which amendment was accepted by the mover.

The question was then put—"Shall the resolution be adopted?"

And decided in the affirmative, by yeas and nays, as follow, upon the call of Messrs. Alexander and Compher, viz:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Archer, Baker, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copland, Craig, Crain, Daley, Dawson, Dubois, Dunn, Edmonston, Edwards, Elkin, Elliott, Emmerson, Fisk, Flood, Foster, French, Gilham, Green of Clay, Green of Greene, Happy, Hardin, Harris, Henry, Holmes, Houston, Huey, Hull, Jarrott, Johnson, Kercheval, Kerr, Logan, Lyons, McCutchen, McMillan, McWilliams, Maus, Menard, Moore,

Morgan, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Otwell, Rawalt, Read, Roberts, Robinson, George Smith, Stapp, Thomas of McLean, Thornton, Walker of Fulton, Webb of Alexander, Wood, and Mr. Speaker—68.

Those who voted in the negative, are,

Messrs. Aldrich, Henderson, Jones, Kent, Lincoln, Naper, Pace, Roman, Thomas of St. Clair, Walker of Vermilion, Webb of White, Williams, and Zimmerman—13.

*Ordered*, That Messrs. Murphy of Cook, Maus, and Webb of White, be the committee on the part of this House; that the Clerk carry said resolutions to the Senate, and ask their concurrence therein.

Mr. Maus asked and obtained leave to introduce a bill for "An act to locate a State road from Tremont to Washington, in Tazewell county;" which was twice read, and

Referred to the committee on State Roads.

Mr. Churchill asked and obtained leave to introduce a bill for "An act to incorporate the Centre Bridge Company at Ottawa," which was twice read, and

Referred to the committee on Internal Improvements.

Mr. Pace moved that the rule of the House be dispensed with, and that the messages from the Senate be taken up; which was not agreed to.

Mr. Churchill, on leave given, introduced a bill for "An act to incorporate the Kankekee Manufacturing Company;" which was twice read, and, on his motion, referred to the committee on Internal Improvements.

Mr. Churchill, on leave given, introduced a bill for "An act to incorporate the Fox River Manufacturing Company, and for other purposes," which was twice read, and, on his motion, referred to the committee on Internal Improvements.

Mr. Gilham, on leave given, introduced a bill for "An act to establish a State road therein named;" which was read the first time, and

*Ordered* to a second reading.

Mr. Dawson, on leave given, introduced a bill for "An act making appropriations for the years 1839 and 1840;" which was twice read, and, on his motion, referred to the committee on Public Accounts and Expenditures.

Mr. Roman, on leave given, introduced a bill for "An act to authorize the county commissioners' courts of St. Clair county to change State roads in said county;" which was twice read, and, on his motion, referred to the committee on State Roads.

Mr. Kercheval, on leave given, introduced a bill for "An act to amend an act, entitled 'An act concerning sheriffs and coroners,' approved February 12, 1837;" which was read the first time, and

*Ordered* to a second reading.

Mr. Stapp, on leave given, introduced a bill for "An act concerning the transcribing certain records," which was read the first time, and

*Ordered* to a second reading.

Mr. Read, on leave given, introduced a bill for "An act for the relief of Enoch Enloe," which was read the first time, and

*Ordered* to a second reading.

Mr. Flood, on leave given, introduced a bill for "An act concerning the road from Warsaw to Quincy;" which was twice read, and *Ordered* to be engrossed for a third reading.

Mr. Jarrott, on leave given, introduced a bill for "An act to provide for the probate of wills in certain cases," which was twice read, and *Ordered* to be engrossed for a third reading.

Mr. Naper, on leave given, introduced a bill for "An act to amend the act relative to criminal jurisprudence," which was read the first time, and

*Ordered* to a second reading.

Mr. Archer, on leave given, introduced a bill for "An act altering, in part, Archer's addition to Lockport;" which was read the first time, and

*Ordered* to a second reading.

Mr. Johnson, on leave given, introduced a bill for "An act to authorize William Mills, guardian of the estate of George Mills, of Bond county, to sell certain real estate;" which was twice read, and,

On motion of Mr. Elkin,

Referred to the committee on the Judiciary.

The bills from the Senate, entitled

"An act to amend the act, entitled 'An act to regulate the interest of money;'"

"An act to amend the act, entitled 'An act to provide for changing the venue in civil and criminal cases,' approved January 23, 1827;"

"An act to locate a certain State road therein mentioned;"

Were severally read the first time, and

*Ordered* to a second reading.

The amendments of the Senate to the bill from the House of Representatives, for "An act to amend an act, entitled 'An act concerning judgments and executions,' approved January 17, 1825," were read; when,

On motion of Mr. Webb of White,

The bill and amendments were referred to the committee on the Judiciary.

The bill from the Senate for "An act authorizing the location of a State road through parts of Vermilion and Champaign counties," was twice read, and,

On motion of Mr. Lyons,

Referred to a select committee.

*Ordered*, That Messrs. Lyons, Walker of Vermilion, and Elliott, be that committee.

The bill from the Senate for "An act to provide for the appointment of additional judges of elections in Coles county," was twice read, and,

On motion of Mr. Ficklin,

Referred to a select committee.

*Ordered*, That Messrs. Ficklin, Walker of Vermilion, and French, be that committee.

The bill from the Senate for "An act making an appropriation to enclose the graves of deceased State officers, in the town of Vandalia," was twice read, and

*Ordered* to a third reading.

The amendments of the Senate to the bill from the House of Repre-

sentatives, for "An act to incorporate the Invincible Dragoons of the second division of Illinois militia," were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The amendments of the Senate to the bill from the House, entitled "An act supplemental to 'An act to incorporate the Rushville Railroad Company,' approved January 16, 1836," were read, and,

On motion of Mr. McCutchen,

The bill and amendments were referred to a select committee.

*Ordered*, That Messrs. McCutchen, Gilham, and Kerr, be that committee.

The bill from the Senate entitled "An act for the relocation of the State road from Charleston to Springfield," was twice read, and

On motion of Mr. Elkin,

Referred to a select committee.

*Ordered*, That Messrs. Elkin, Ficklin, and Gouge, be that committee.

The bill from the Senate for "An act to incorporate the Edwardsville Steam Mill Company," was twice read, and

*Ordered* to a third reading.

The bill from the Senate, entitled "An act to incorporate New Haven, in Gallatin and White counties," was twice read, and,

On motion of Mr. Webb of White.

Referred to a select committee.

*Ordered*, That Messrs. Webb of White, Philips, and Dunn, be that committee.

Mr. Happy moved that the House adjourn; which was not agreed to.

The bill from the Senate, entitled "An act to provide for certain improvements in Pike county," was twice read, and,

On motion of Mr. Stapp,

Referred to a select committee of five.

*Ordered*, That Messrs. Stapp, Kerr, McWilliams, Foster, and Cloud, be that committee.

The bill from the Senate, entitled "An act to incorporate the Mount Vernon Academy," was twice read, and,

On motion of Mr. Pace,

Referred to a select committee.

*Ordered*, That Messrs. Pace, Philips, and Ficklin, be that committee.

The bill from the Senate, entitled "An act regulating the salaries of the Judges of the Supreme Court," was twice read, and

Referred to the committee on Finance.

The amendments of the Senate to the bill from the House, entitled "An act to amend an act to incorporate the Caledonia Railroad Company," were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The amendment of the Senate to the resolutions from the House in relation to the Sub-treasury system, and declaring it inexpedient to spend the time of the Legislature, and a waste of the money of the people in acting on resolutions which merely involve national politics, was read.

Mr. Walker of Vermilion moved that the same be referred to a select committee of seven.

Mr. Fisk moved to lay the same on the table; and, pending the last motion,

The House adjourned.

WEDNESDAY, JANUARY 30, 1839.

The House met pursuant to adjournment.

When the journal of yesterday had been read,

Mr. Hardin moved to amend it, by striking out the following:

"The amendment of the Senate to the resolutions from the House in relation to the Sub-treasury system, and declaring it inexpedient to spend the time of the Legislature, and a waste of the money of the people, in acting on resolutions which merely involve national politics, was read.

"Mr. Walker of Vermilion moved that the same be referred to a select committee of seven.

"Mr. Fisk moved to lay the same on the table; and, pending the last motion, the House adjourned."

And inserting in lieu thereof the following:

"The message from the Senate, in relation to the resolutions passed by this House on the Sub-treasury system, and declaring it inexpedient to legislate on national politics, was read.

"Mr. Walker moved that the resolutions be referred to a select committee of seven.

"Mr. Fisk moved to lay the same on the table; and, pending that motion, the House adjourned."

On motion of Mr. Naper,

The proposed amendment was committed to a committee of the Whole House.

On motion of Mr. Webb of White,

The House resolved itself into a committee of the Whole upon the proposed amendment; and, after some time spent therein, the Speaker resumed the Chair, and Mr. Cloud, their chairman, reported that the committee of the Whole had, according to order, had said amendment under consideration, and had directed him to report the same, and ask leave to sit again; which was granted.

And then the House adjourned until half past 2 o'clock, P. M.

HALF PAST TWO O'CLOCK, P. M.

The House met pursuant to adjournment.

A message from the Senate by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed to inform the House of Representatives that they have concurred with them in their amendments to the Senate's bill, for "An act to increase the corporate powers of the town of Chester."

They have also concurred with the House in their amendments to the Senate's resolution, instructing our Senators, &c. in Congress to use their exertions to procure an amendment of the Constitution of the United States, in relation to the election of President of the United States.

They have passed bills of the following titles, viz:

"An act to locate a State road from Pope's creek, via Edwards river, to Stephenson;"

"An act to authorize the county commissioners of the county of Winnebago to sell certain lots;"

"An act to relocate a State road at and near Prophetstown;"

"An act to amend an act, entitled 'An act to amend the several acts in relation to common schools;'" and

"An act to authorize the county commissioners' courts of the counties of Cook, Washington, and Clinton, to effect certain loans."

In the passage of which several bills they ask the concurrence of the House of Representatives. And then he withdrew.

The Speaker laid before the House a communication of William Kinney, President of the Board of Public Works, made in pursuance of a call of this House, in relation to the northern termination of the Central railroad; which was read, and,

On motion of Mr. Craig,

The communication and accompanying documents were laid on the table, and ordered to be printed.

On motion of Mr. Cloud,

The following rule was adopted, viz:

Rule . The order of proceeding with the business before the House, in the afternoon session, shall be to take up—

1. Communications from the Governor or other public officers.
2. Messages from the Senate.
3. Bills on their third reading.
4. Bills on their second reading.
5. Bills on their first reading.

And it shall not be considered in order to introduce bills in the afternoon session, until the communications, messages and orders of the day are disposed of.

Mr. Murphy of Vermilion moved that the order of the day be postponed for the purpose of taking again under consideration the amendment proposed by Mr. Hardin to the Journal of yesterday's proceeding; which was not agreed to.

Mr. Williams moved that the order of the day (being the amendment of the Senate to the resolutions from the House in relation to the Sub-treasury system, and declaring it inexpedient to consume the time of the Legislature, &c. in acting upon resolutions which merely involve national politics) be committed to a committee of the Whole House; which was agreed to.

On motion of Mr. Edwards,

The vote last taken was reconsidered.

The Speaker then announced that the question before the House was upon the message from the Senate, which states that the Senate had concurred in the adoption of the two resolutions in relation to the Sub-treasury system; but did not concur in the adoption of the resolution declaring it inexpedient to consume the time of the Legislature, and waste the money of the people, in acting upon resolutions which merely involve national politics—that the Senate having refused to concur in the adoption of the last named resolution was an amendment; and the question was—"Will the House concur in the amendment of the Senate to said resolutions?"



From this decision of the Speaker, in deciding the vote of non-concurrence in the third resolution an amendment to said resolutions, Mr. Hardin excepted, and took an appeal to the House from the decision of the Chair: and after discussion had thereon,

The question was put—"Shall the decision of the Chair stand as the judgment of the House?"

And decided in the affirmative, by yeas and nays, as follow, upon the call of Messrs. Hardin and Baker, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copland, Crain, Daley, Edmonston, English, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Happy, Harris, Houston, Huey, Kercheval, Logan, McCormick, McWilliams, Maus, Moore, Murphy of Cook, Murphy of Perry, Naper, Pace, Rawalt, Robinson, Roman, Smith of Wabash, Robert Smith, Thomas of St. Clair, Walker of Vermilion, Webb of Alexander, Wood, Zimmerman, and Mr. Speaker—48.

Those who voted in the negative, are,

Messrs. Archer, Baker, Craig, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Emmerson, Ficklin, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCutchen, McMillan, Marshall, Menard, Morgan, Murphy of Vermilion, Otwell, Philips, Read, Roberts, George Smith, Stapp, Thomas of McLean, Walker of Fulton, Webb of White, and Williams—41.

Mr. English moved to lay the whole on the table.

Mr. Webb of White moved the previous question.

Mr. Fisk moved that the House adjourn; which was not agreed to.

The question was then taken on laying on the table, as proposed by Mr. English,

And decided in the negative, by yeas and nays, as follow, upon the call of Messrs. English and Edmonston, viz:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copland, Crain, Daley, Edmonston, English, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Happy, Harris, Houston, Huey, Kercheval, Logan, McWilliams, Maus, Moore, Murphy of Cook, Murphy of Perry, Naper, Pace, Robinson, Roman, Robert Smith, Thomas of St. Clair, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—43.

Those who voted in the negative, are,

Messrs. Aldrich, Archer, Baker, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Emmerson, Ficklin, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, Marshall, Menard, Morgan, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, Smith of Wabash, George Smith, Stapp, Thomas of McLean, Walker of Fulton, Webb of Alexander, Webb of White, and Williams—46.

The question was then put—"Shall the main question be now put?"

And decided in the affirmative, by yeas and nays, as follow, upon the call of Messrs. Carpenter and Hardin, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Greene, Archer, Baker, Copland, Craig, Cunningham, Daley, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Emmerson, Ficklin, Gilham, Gouge, Green of Greene, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, Marshall, Menard, Morgan, Murphy of Vermilion, Otwell, Pace, Philips, Rawalt, Read, Roberts, Smith of Wabash, George Smith, Stapp, Thomas of McLean, Walker of Fulton, Webb of Alexander, Webb of White, and Williams—52.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Crain, Edmonston, English, Fisk, Flood, Foster, French, Green of Clay, Happy, Harris, Houston, Huey, Kercheval, Logan, McWilliams, Maus, Moore, Murphy of Cook, Murphy of Perry, Naper, Robinson, Roman, R. Smith, Thomas of St. Clair, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—37.

The question was then put—"Will the House concur in the amendment of the Senate to said resolutions?"

And decided in the affirmative, by yeas and nays, as follow, upon the call of Messrs. Naper and Rawalt, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Archer, Baker, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Emmerson, Ficklin, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, Marshall, Menard, Morgan, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, Smith of Wabash, G. Smith, Stapp, Thomas of McLean, Walker of Fulton, Webb of Alexander, Webb of White, and Williams—46.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copland, Crain, Daley, Edmonston, English, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Happy, Harris, Houston, Huey, Kercheval, Logan, McWilliams, Maus, Moore, Murphy of Cook, Murphy of Perry, Naper, Pace, Robinson, Roman, R. Smith, Thomas of St. Clair, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—43.

And then the House adjourned.

THURSDAY, JANUARY 31, 1839.

House met pursuant to adjournment.

Mr. Elkin, from the committee on Engrossed Bills, reported, as correctly engrossed, bills of the following titles:

"An act to review and relocate a part of the State road leading from Springfield to Decatur;"

"An act to add range one to the counties of Marshall and Putnam;"

"An act to extend the jurisdiction of justices of the peace;"

- “An act to provide for the probate of wills in certain cases;” and  
“An act to incorporate the Genesee Manual Labor High School.”

On motion of Mr. Aldrich,

The vote taken a few days since, ordering to be engrossed for a third reading, the bill for “An act concerning the road from Warsaw to Quincy,” was reconsidered.

On his further motion, the bill was amended, by filling the blank in the first section, with the words “Levi Williams and William Crawford;” and by inserting in the second section, after the words “said commissioners,” the words “or a majority of them.”

The bill, as amended, was then

*Ordered* to be engrossed for a third reading.

Mr. Stapp presented a remonstrance of one hundred citizens of Henry county, against taking off any part of said county; which, on his motion, was referred, without reading, to the same select committee to which were referred other petitions on the same subject.

Mr. Craig presented certain petitions for a division of Ogle county, and recantations of remonstrances against such division; which, on his motion, was referred, without reading, to the same select committee to which was referred other petitions on the same subject.

Mr. Jones presented a petition of a number citizens of Randolph county, praying for a divorce of Agnes Campbell; which, on his motion, was referred, without reading, to the committee on the Judiciary.

Mr. Craig presented a petition for the removal of the county seat of Mercer county, and a remonstrance against it; which, on his motion, was referred, without reading, to the committee on Counties.

Mr. Craig presented certain petitions for a road from Vermillionville to Mineral Point, Wisconsin Territory; which, on his motion, were referred, without reading, to the committee on State Roads.

Mr. Fisk presented the petition of sundry citizens of Montgomery county, praying the relocation of a certain State road therein named; which, on his motion, was referred, without reading, to the committee on State Roads.

Mr. R. Smith presented a petition of sundry citizens of Upper Alton, praying the repeal of the charter of said town; which, on his motion, was referred, without reading, to the same select committee to which were referred other petitions on the same subject.

Mr. Roberts presented a petition of sundry citizens of the county of Iroquois, praying the location of a State road therein mentioned; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Roberts, Morgan, and Elliott, be that committee.

Mr. Murphy of Cook presented a petition of sundry citizens of Will county, praying for an amendment to the act incorporating the town of Juliet; which, on his motion, was referred to the committee on Counties.

Mr. Moore presented a petition of fifty inhabitants of McLean county, praying the formation of a new county, from parts of Tazewell and McLean; which, on his motion, was referred, without reading, to the committee on Counties.

Mr. Stapp presented a petition of sundry citizens of Mercer and Warren counties, praying for the establishment of a State road from Monmouth to Illinois city; which, on his motion, was referred, without reading, to the same select committee to which was referred another petition on the same subject.

Mr. Stapp presented a petition of sundry citizens of Whiteside, Henry, and Rock Island counties, praying the establishment of a State road therein named; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Stapp, Kent, and Philips, be that committee.

Mr. Hardin presented a petition of Cornelius Briant, and Nancy Briant for a divorce; which, on his motion, was referred, without reading, to the committee on the Judiciary.

Mr. Robinson presented certain petitions from male and female citizens of Wayne county, against the licensing of retailers of ardent spirits; which, on his motion, were referred, without reading, to the committee on the Judiciary.

Mr. Hardin presented a petition of many citizens of Morgan county, praying for the repeal of law permitting the retail of intoxicating liquors; which, on his motion, was referred, without reading, to the committee on the Judiciary.

Mr. Hankins presented a petition of citizens of Fayette county, praying the establishment of a State road from Vandalia, via the county seat of Dane, to Springfield; a petition of citizens of Fayette county, in relation to a change in a State road therein named; and a petition of sundry citizens of Effingham and Clay counties, praying a change in the location of a State road therein named; which, on his motion, were referred, without reading, to the committee on State Roads.

Mr. Lincoln, from the committee on Finance, to which was referred the bill for "An act to regulate the interest on Auditor's warrants," reported the same without amendment, and recommended its passage.

On motion of Mr. Elkin,

The bill was amended by striking out the third section.

Mr. Foster moved to amend the bill by adding the following proviso

*viz*:

*Provided*, That nothing in this act contained shall be so construed as to apply to warrants drawn for the appropriation for building the State house at Springfield.

Mr. Smith of Wabash moved to refer the bill and proposed amendment to a committee of the Whole House; which was not agreed to.

Mr. Stapp moved to lay the bill on the table; which was not agreed to.

The question was then taken upon the amendment as proposed by Mr. Foster, and decided in the negative, by yeas and nays, as follow upon the call of Messrs. Green of Clay and Hankins, *viz*:

Those who voted in the affirmative, are,

Messrs. Alexander, Carpenter, Cloud, Compher, Copland, Cunningham, Dubois, Edmondston, Emmerson, Ficklin, Fisk, Foster, French, Green of Clay, Hankins, Happy, Houston, Kercheval, Kerr, Moore, Morgan Pace, Robinson, Roman, Smith of Wabash, Thomas of St. Clair, Walke of Fulton, Walker of Vermilion, Wood, and Mr. Speaker—30.

Those who voted in the negative, are,  
Messrs. Aldrich, Allen of Franklin, Allen of Greene, Archer, Baker, Babridge, Brown, Calhoun, Churchill, Craig, Crain, Dawson, Dunn, Edwards, Elkin, Elliott, Gilham, Green of Greene, Hardin, Harris, Hendson, Henry, Holmes, Hull, Jarrott, Jones, Kent, Lincoln, Lyons, McCormick, McCutchen, McMillan, McWilliams, Marshall, Menard, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Otwell, Philips, Rwalt, Read, Roberts, G. Smith, R. Smith, Stapp, Thomas of McLean, Toraton, Webb of Alexander, Webb of White, and Zimmerman—51.

The bill was then

*Ordered* to be engrossed for a third reading.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of the bill for "An act to incorporate the Mississippi and Grand Tower Bridge Company," as amended by them; in which amendments they concur at the concurrence of the House.

They have also adopted the following resolution, to wit:

*Resolved by the General Assembly,* That the engrossing Clerks of the Senate and House of Representatives, respectively, be required to make sufficient number of copies of all memorials and resolutions adopted by this General Assembly, intended to be transmitted to the Congress of the United States, to enable the Governor to transmit one copy to each Senator and Representative in this State; and when such copies are made, they shall be certified by the Clerk of the House and Secretary of the Senate, and by them delivered to the Governor, who is hereby requested to transmit the said copies to the Senators and Representatives aforesaid.

In the adoption of which they ask the concurrence of the House of Representatives. And then he withdrew.

Mr. Fisk, from the committee on the Judiciary, to which was referred the bill for "An act the more effectually to apprehend horse thieves," reported the same without amendment.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Jarrott presented the petition of sundry persons, against the Legislature passing any law repealing the acts which authorize the retailing of ardent spirits; which was read.

Mr. Jarrott moved to lay the petition on the table; which was not agreed to.

Mr. Aldrich moved to refer it to the committee on Salines,

Mr. Naper moved to refer it to the committee on the Judiciary.

The question was taken on referring the petition to the committee on Salines, and decided in the affirmative.

Mr. Ficklin, from the committee on the Judiciary, to which was referred the petition of sundry citizens of Bond county, praying to have an act passed to cause their respective share of the \$200,000 to be added to the county school fund, reported the same, and asked to be discharged from the further consideration thereof; which was granted.

Mr. Ficklin, from the committee on the Judiciary, to which was referred the bill from the Senate for "An act to establish the Illinois Asy-

lum for the education of the deaf and dumb," reported the same without amendment.

On motion of Mr. Henry,

The bill was amended, by inserting, after the words, "Julian M. Sturdivant," in the first section, the following names "George M. Chamberlain, Samuel M. Prosser, Porter Clay, and Matthew Stacy."

On motion of Mr. Ficklin,

The following proviso was added to the eighth section:

"*Provided*, That the Legislature may, at any time, repeal the eighth section of this act."

Mr. Fisk moved to refer the bill to the committee on the Judiciary, which was not agreed to. The bill, as amended, was

*Ordered* to a third reading.

Mr. Craig, from the committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act to amend an act concerning justices of the peace and constables, approved, Feb. 3d, 1827," reported the same without amendment.

The bill was then

*Ordered* to a third reading.

Mr. Webb of White, from the committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act to provide for publishing the decisions of the Supreme Court," reported the same with an amendment; which was read and concurred in.

The bill, as amended, was then

*Ordered* to a third reading.

Mr. Smith of Wabash, from the committee on Internal Improvement, to which was referred the bill for "An act to incorporate the Des Moines Rapids Railroad Company," reported the same with sundry amendments, which were read and concurred in.

*Ordered* to be engrossed for a third reading.

Mr. Smith of Wabash, from the committee on Internal Improvement, who were instructed, by a resolution to inquire into the expediency of changing the location of the Central Railroad, south of Vandalia, made a report against said change; which was read, and,

On motion of Mr. Elkin,

Laid on the table.

Mr. Webb of White, from the committee on the Judiciary, to which was referred a bill from the Senate, entitled "An act for the relief of the judge of the sixth judicial circuit of the State of Illinois," reported the same without amendment.

Mr. Stapp moved to strike out the first section of the bill; which was not agreed to.

The bill was then

*Ordered* to a third reading.

Mr. Flood, from the committee on Enrolled Bills, reported, as correctly enrolled, bills, entitled

"An act to create the county of Brown out of the county of Schuyler;

"An act to permit William Jackson to insert a middle letter in his name;"

"An act to amend 'An act to incorporate the Caledonia Railroad Company;'"

"An act to increase the corporate powers of the town of Chester;"  
 "An act to provide for the election of justices of the peace in Naples and Meredosia, and for the appointment of certain notaries public;"  
 Also, a preamble and resolutions, in relation to the establishment of a Surveyor General's office in the State of Illinois.

Mr. Webb of White, from the committee on the Judiciary, to which was referred the bill for "An act to extend the corporate powers of the town of Pekin," reported the same with an amendment; which was read and concurred in. The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Carpenter, from the committee on Elections, to which was referred the bill from the Senate, entitled "An act to prohibit betting on elections," and the proposed amendment of Mr. Otwell thereto, reported the same without amendment, and recommended a rejection of the said amendment.

Mr. Edmondston moved to lay the bill and proposed amendment on the table until the fourth of July next: and after discussion had thereon,

On motion of Mr. Edwards,  
 The subject was postponed for the purpose of receiving certain resolutions.

On motion of Mr. Crain,  
*Resolved*, That a select committee of one from each county in the first and second judicial circuit shall be appointed, whose duty it shall be to arrange the time of holding the circuit courts, in their respective counties, as to give a longer time, to those who need it, for holding their general circuit courts; and that they report by bill or otherwise.

*Ordered*, That Messrs. Crain, Geo. Smith, Thomas of St. Clair, Morgan, Ward, Huey, Hankins, Johnson, Fisk, Thornton, English, Harris, Harrell Holmes, Lincoln, Hull, Gouge, and Thomas of McLean, be that committee.

On motion of Mr. Cloud,  
*Resolved*, That the use of this Hall be tendered to Porter Clay, Esq., agent of the American Colonization Society, on Friday evening, the first of February, for the purpose of delivering an address upon the subject of colonization.

and then the House adjourned.

FRIDAY, FEBRUARY 1, 1839.

House met pursuant to adjournment.

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed to inform the House of Representatives that the Senate have adopted the following resolution, viz:

*Resolved by the General Assembly*, That the two Houses set apart the 15th of February, 1839, for the election of Canal Commissioners, Commissioners of Public Works, and Directors on the part of the State in the Banks; and that the two Houses will meet in the hall of the House of Representatives, at 10 o'clock A. M., on the day herein named, for the purpose of proceeding to said elections, and continue voting until the elections are made.

In the adoption of which resolution they ask the concurrence of House of Representatives.

They have also passed bills of the following titles:

"An act regulating tavern and grocery licenses;"

"An act disposing of the public property in Vandalia;"

"An act to locate a State road from the northern boundary of Warren county to Illinois city, in Rock Island county;" and

"An act to locate a State road from Beardstown to Manchester."

In the passage of which several bills they ask the concurrence of House. And he withdrew.

On motion of Mr. Walker of Vermilion,

The House reconsidered the vote taken on yesterday, ordering a third reading the bill from the Senate, for "An act to establish the Illinois Asylum for the education of the deaf and dumb."

Mr. Pace moved to amend the 8th section of the bill, by striking the words "equal to one-half," and inserting, in lieu thereof, "not exceeding one-quarter."

Mr. Allen of Greene moved to lay the bill and amendment on table: not agreed to.

Mr. McCutchen moved to refer it to a select committee of seven, with instructions to report on Monday next.

Mr. Murphy of Vermilion moved the previous question; which was not sustained.

The question was taken on the reference proposed to a committee of seven, and decided in the affirmative.

*Ordered,* That Messrs. McCutchen, Hardin, Walker of Vermilion, Carpenter, Cloud, Edwards, and Webb of White, be that committee.

The question pending at the adjournment of the House on yesterday being on the motion of Mr. Edmonston, to lay on the table, until the day of July next, the bill from the Senate for "An act to prohibit gaming on elections," and the amendment proposed thereto, again came up for consideration,

Mr. Edmonston withdrew the motion, and moved to lay the proposed amendment on the table till the 4th day of July next.

The question was taken by yeas and nays, on the call of Messrs. Bainbridge and Green of Greene, and decided in the affirmative as follows:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Carpenter, Churchill, Cloud, Compher, Copland, Cunningham, Dawson, Dubois, Dunn, Edmonston, Edwards, Emmerich, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Hardin, Harris, Holmes, Houston, Johnson, Jones, Kercheval, Lincoln, Logan, Lyons, McCormick, McMillan, McWilliam, Moore, Morgan, Murphy of Cook, Murphy of Perry, Naper, P. Rawalt, Read, Roberts, Robinson, Roman, Smith of Wabash, C. Smith, R. Smith, Thomas of McLean, Thomas of St. Clair, Walker, Fulton, Walker of Vermilion, Webb of Alexander, Wood, Zimmern and Mr. Speaker—63



Those who voted in the negative, are,

Messrs. Archer, Baker, Craig, Elliott, Gilham, Henderson, Henry, Hull, Jarrott, Kent, Kerr, McCutchen, Marshall, Menard, Murphy of Vermilion, Otwell, Philips, Thornton, Webb of White, Williams—20

The question was put—"Shall the bill be ordered to a third reading?" And decided in the affirmative, by yeas and nays, on the call of Messrs. Bainbridge and Green of Greene, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Archer, Baker, Brown, Churchill, Cloud Compher, Craig, Cunningham, Dawson, Dubois, Edwards, Elliott, Emmerson, Gilham, Gouge, Happy, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lyons, McCutchen, McMillan, Marshall, Murphy of Vermilion, Otwell, Pace, Philips, Rawalt, Roberts, Smith of Wabash, Geo. Smith, Robert Smith, Stapp, Thomas of McLean, Thornton, Walker of Vermillion, Webb of Alexander, Webb of White, Williams, and Mr. Speaker—48.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Calhoun, Copland, Crain, Daley, Dunn, Edmonston, Ficklin, Fisk, Flood, Foster, French, Green of Clay, Green of Greene, Hankins, Harris, Houston, Kercheval, Lincoln, Logan, McCormick, McWilliams, Menard, Moore, Morgan, Murphy of Cook, Naper, Read, Robinson, Roman, Thomas of St. Clair, Walker of Fulton, Wood, and Zimmerman—37.

Mr. Craig presented the petition of sundry citizens of Mercer county, praying the removal of the county seat of said county; which, without reading, was, on his motion, referred to the committee on Counties.

Mr. Cloud presented the petitions of sundry citizens of Morgan, Sangamon, and Macoupin counties, praying the establishment of a new county, to be called Nelson; which, without reading, were, on his motion, referred to the committee on Counties.

Mr. Lincoln presented the petitions of 631 citizens of Sangamon county, praying the repeal of all laws authorizing the retailing of intoxicating liquors; which, without reading, were, on his motion, referred to the committee on the Judiciary.

Mr. McMillan presented the petition of sundry citizens of Edgar county, praying a relocation of a part of a State road therein named, and a remonstrance against the same; which, without reading, were, on his motion, referred to a select committee.

Ordered, That Messrs. McMillan, Archer, and Houston, be that committee.

Mr. Hull presented the petition of sundry citizens of the northern part of Tazewell county, praying a division of said county; which, without reading, was, on his motion, referred to the committee on Counties.

Mr. Calhoun presented a remonstrance of sundry citizens of Sangamon county against the division of the same; which, without reading, was, on his motion, referred to the committee on Counties.

Mr. Fisk, from the committee on the Judiciary, to which was referred the bill for "An act to incorporate the town of Hennepin," reported the same without amendment.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Fisk, from the committee on the Judiciary, to which was referred a certain petition, reported a bill for "An act to authorize the clerk of the Madison circuit court to procure the re-binding of certain records;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Smith, of Wabash, from the committee on Internal Improvements, to which was referred the bill for "An act to incorporate the Centre Bridge Company at Ottawa," reported the same without amendment.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. McCutchen, from the committee on the Judiciary, to which was referred the bill for "An act to incorporate the town of Decatur," reported the same with amendments; which were read and concurred in.

*Ordered* to be engrossed for a third reading.

Mr. McCutchen, from the committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act to authorize limited partnerships," reported the same without amendment, and recommended its rejection.

On the question—"Shall the bill be read the third time?"

It was decided in the negative, by yeas and nays, upon the call of Messrs. R. Smith and Craig, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Bainbridge, Churchill, Craig, Gouge, Hankins, Jarrott, Johnson, Jones, Kent, Kercheval, Kerr, Lincoln, McCutchen, Murphy of Vermillion, Naper, Otwell, Pace, Read, Roberts, Smith of Wabash, Geo. Smith, Robert Smith, Thomas of McLean, Webb of Alexander, Wood, Zimmerman, and Mr. Speaker—28.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Archer, Brown, Calhoun, Carpenter, Cloud, Compher, Copland, Crain, Cunningham, Daley, Dawson, Dubois, Dunn, Edmonston, Edwards, Elliott, Emmerson, Ficklin, Fisk, Flood, Foster, French, Gilham, Green of Clay, Green of Greene, Happy, Hardin, Harris, Henry, Holmes, Houston, McCormick, McMillan, McWilliams, McNard, Moore, Morgan, Murphy of Cook, Philips, Rawalt, Roman, Stapp, Thomas of St. Clair, Thornton, Walker of Fulton, Webb of White, and Williams—50.

Mr. Pace, from the committee on Agriculture and Manufactures, to which was referred a certain resolution, reported a bill for "An act to incorporate agricultural societies;" when

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Williams,

The vote taken this forenoon on ordering the bill from the Senate, entitled "An act to authorize limited partnerships," was reconsidered, and,

On motion of Mr. Happy,

The bill was referred to a select committee of seven.

*Ordered*, That Messrs. Happy, Alexander, R. Smith, Lyons, Green of Clay, Gouge, and Menard, be that committee.

The Speaker laid before the House a communication from William Kinney, President of the Board of Public Works, made in pursuance of a call of this House, giving the opinion of said Board as to the most proper iron to be used on the railroads, the number of locomotives, their weight, &c.; which was read, and,

On motion of Mr. Pace.

Laid on the table.

The Speaker also laid before the House a communication from W. F. Thornton and Jacob Fry, Canal Commissioners, in relation to the removal of their office from Chicago to Lockport, &c.; which was read, and,

On motion of Mr. Naper,

Referred to a select committee.

*Ordered*, That Messrs. Naper, Murphy of Perry, and Archer, be that committee.

The amendments of the Senate to the bills from the House, entitled "An act for the relief of the securities of Thomas Moore," and "An act to incorporate the Mississippi and Grand Tower Bridge Company," were severally read and concurred in.

*Ordered*, That the clerk inform the Senate thereof.

The bills from the Senate, entitled "An act laying out a State road in Alexander county;"

"An act to vacate the survey and plat of the sub-division of block forty-one, in the town of Moumouth;"

"An act appointing an additional notary public for the county of Hancock;"

"An act to change the name of the town of Savannah;" and

"An act of incorporation for Upper Alton Manufacturing Company,"

Were severally twice read, and

*Ordered* to a third reading.

The bill from the Senate, entitled "An act to amend an act, entitled "An act regulating elections," in force June 1, 1829," was twice read, and referred to the committee on Elections.

The bills from the Senate, entitled "An act to amend the several acts incorporating the town of Galena;"

"An act to provide for the removal of the public offices to Springfield;"

"An act to incorporate the Chester Insurance Company;"

"An act to amend an act, entitled 'An act relative to wills and testaments, executors and administrators, and the settlement of estates,' approved January 23, 1829;" and

"An act to legalize the sub-division of block thirty, in the school section addition to the town of Chicago,"

Were severally twice read, and referred to the committee on the Judiciary.

The bill from the Senate entitled "An act to vacate and relocate a part of the State road, leading from White's ferry to the Drowning fork of Crooked creek," was twice read.

Mr. Fisk moved to refer the bill to the committee on State Roads.

Mr. Edmonston moved to refer it to a select committee.

The question was taken on referring the bill to the committee on State Roads, and decided in the negative.

The bill was then referred to a select committee.

*Ordered*, That Messrs. Edmonston, Aldrich and Fisk be that committee.

The bill from the Senate, entitled "An act to incorporate the town of Kankakee," was read the first time, and

*Ordered* to a second reading.

The bill from the Senate, entitled "An act to build a bridge across Fox river at Ottawa," was twice read, and referred to the committee on Internal Improvements.

The bill from the Senate, entitled "An act to relocate a part of the Chicago road in the counties of Clark and Edgar," was twice read.

Mr. Archer moved to refer the bill to the committee on State Roads.

Mr. McMillan moved a reference to a select committee.

The question was then taken on referring to the committee on State Roads, and decided in the affirmative.

The bill from the Senate, entitled "An act to legalize the survey of certain State roads," was twice read, and referred to a select committee.

*Ordered*, That Messrs. Compher, Murphy of Vermilion, and Morgan be that committee.

On motion of Mr. Logan,

Leave of absence was given to Mr. Carpenter.

The bill from the Senate, entitled "An act to extend the corporate powers of the president and trustees of the town of Bellville," was twice read, and referred to a select committee.

*Ordered*, That Messrs. Thomas of St. Clair, Crain, and Morgan, be that committee.

The bill from the Senate, entitled "An act, establishing ferries on school lands for the use of the inhabitants of townships," was twice read, and,

On motion of Mr. Crain,

Referred to the committee on Education.

The bill from the Senate, entitled "An act to relocate part of a State road in Franklin county," was twice read, and referred to select committee.

*Ordered*, That Messrs. Crain, Allen of Franklin, and Pace, be that committee.

The bill from the Senate, entitled "An act to incorporate the town of Quincy," was twice read, and referred to a select committee.

*Ordered*, That Messrs. Flood, Kerr, and Brown, be that committee.

The resolution from the Senate, requiring the Engrossing Clerks of the Senate and House, respectively, to make out copies of memorials and resolutions, to be transmitted to Congress, &c. was read.

Mr. Calhoun moved to amend by adding the following, viz:

*Whereas* certain citizens, males and females, of the State of Illinois, have petitioned the General Assembly of this State, at its present session, to act upon the subject of slavery, and the slave trade in the United States: *And whereas* the expression of the sense of this Legislature, on the subject of slavery, may do much towards allaying any excitement which may exist in this State on the subject of abolition: *And whereas* it is due to the slave-holding States of this Union, that the Legislature of this State clearly and fully express the course which this State will and

ought to pursue in regard to the distracting question of the abolition of slavery:

*Be it therefore resolved by the General Assembly of the State of Illinois,* That it is the right of the citizens to petition the Legislature for the redress of any grievance, or the correction of any wrong, and the imperative duty of the Legislature to receive, to listen to, and act upon any such petition.

2. *Resolved,* As the sense of this Legislature, That "the General Government cannot do, directly, what it is clearly prohibited from doing directly;" that it is the openly declared design of the abolitionists of this nation to abolish slavery in the District of Columbia, with a view to its ultimate abolishment in the States; and that, therefore, the abolishment of slavery in the District of Columbia, or in the several Territories of this Union, or to prohibit the slave trade between the several States of the Union, would be doing or claiming the right to do, by indirection, what is positively prohibited, and, therefore, an invasion of the rights of the States, and an infraction of the federal compact; and that, therefore, Congress ought not to "abolish slavery in the District of Columbia," or in "the several Territories of this Union," or "prohibit the slave trade between the several States."

3. *Resolved,* That the Legislature of the State of Illinois *do not* "protest against the admission of new States into this Union, whose Constitution tolerates domestic slavery," nor "against the annexation of Texas to the United States."

4. *Resolved,* That it is not only unconstitutional, but improper, inexpedient and unwise "to repeal all laws existing on the statutes of this State, which graduate the right of the citizens by the color of the skin."

5. *Resolved,* That a copy of the above resolutions be forwarded, by the Governor of the State, to each of our Senators and Representatives in Congress, and to the Governors of the several States of the Union.

Mr. Murphy of Vermilion moved to lay the amendment on the table.

Messrs. Calhoun and Walker of Vermilion demanded the yeas and nays, upon this motion; when

The House adjourned.

## SATURDAY, FEBRUARY 2, 1839.

The House met pursuant to adjournment.

Mr. Elkin, from the committee on Engrossed Bills, reported, as correctly engrossed, bills of the following titles:

"An act to locate a State road from Jonesborough, in Union county, to William T. Ryburn's, in Franklin county;"

"An act to locate and establish certain State roads in Peoria and Knox counties;"

"An act to incorporate the Wapello Manufacturing Company;"

"An act to amend the several laws in this State regulating elections;"

"An act concerning the road from Warsaw to Quincy;"

"An act to regulate interest on Auditor's warrants;"

"An act the more effectually to apprehend horse thieves;"

"An act to authorize Amzi Doolittle to keep a ferry across the Mississippi river."

Mr. Harris presented a remonstrance of sundry citizens of Macoupin county, against any division of said county; which, on his motion, was referred, without reading, to the committee on Counties.

Mr. Craig presented a petition of citizens of Rock Island county, praying the vacation of a part of a State road; which, on his motion, was referred, without reading, to the committee on State Roads.

Mr. Kercheval presented a petition of sundry citizens of Cook, Will, and McHenry counties, praying that said counties be formed into a new circuit; and a remonstrance of citizens of Cook county, against a division of the seventh judicial circuit; which, on his motion, were referred, without reading, to the committee on the Judiciary.

Mr. Houston presented the petition of sundry citizens of Hutsonville, Crawford county, praying for an act authorizing the sale of a part of a certain street in said town; which, on his motion, was referred, without reading, to a select committee.

Ordered, That Messrs. Houston, Alexander, and Archer, be that committee.

Mr. Fisk, from the committee on the Judiciary, to which was referred a bill for "An act to authorize William Mills, guardian of the estate of George Mills, of Bond county, to sell certain real estate," reported the same without amendment, and recommended its rejection.

The question was put—"Shall the bill be ordered to be engrossed for a third reading?"

And decided in the negative.

Mr. Fisk, from the committee on the Judiciary, to which was referred the petition of Edward Humphreys and others, citizens of Randolph county, relative to the translation and copying of the French records from 1707 to 1800, reported the same, and asked to be discharged from the further consideration thereof; which was granted.

Mr. Flood, from the committee on Enrolled Bills, reported that bills of the following titles were on yesterday laid before the Council of Revision:

"An act to create the county of Brown out of the county of Schuyler;"

"An act to permit William Jackson to insert a middle letter in his name;"

"An act to amend 'An act to incorporate the Caledonia Railroad Company;'"

"An act to increase the corporate powers of the town of Chester;" and

"An act to provide for the election of justices of the peace in Naples and Meredosia, and for the appointment of certain notaries public;" and

Also, that the preamble and resolutions in relation to the establishment of a Surveyor General's office in the State of Illinois, had been presented to the Governor.

Mr. Moore, from the committee on Counties, to which was referred petition of sundry citizens of Will county, praying for an amendment to the act incorporating the town of Juliet, reported the same, and asked to be discharged from the further consideration thereof; when,

On motion of Mr. Naper,

It was referred to a select committee.

*Ordered*, That Messrs. Naper, Murphy of Vermilion, and Kercheval, be that committee.

The bill introduced on yesterday forenoon, just before the House adjourned, for "An act to incorporate Agricultural Societies," was twice read, and,

On motion of Mr. Crain,

Referred to a select committee.

*Ordered*, That Messrs. Crain, Philips, and Edmonston, be that committee.

Mr. Robinson, from the committee on Elections, reported a bill for "An act to incorporate the Fairfield Institute;" which was twice read.

Mr. Pace moved to strike out the word "forever," in the first section; when,

On motion of Mr. Robinson,

It was referred to the committee on Education.

Mr. Murphy of Cook, from the committee on Canals and Canal Lands, reported a bill for "An act declaring the Des Plaine's river a navigable stream;" which was twice read, and,

On motion of Mr. Green of Clay,

Referred to a select committee.

*Ordered*, That Messrs. Green of Clay, Murphy of Cook, and Morgan, be that committee.

Mr. Smith of Wabash, from the committee on Internal Improvements, reported a bill for "An act, supplemental to 'An act to authorize Ezra Baker, jr. to erect a mill-dam, near Coffee Island, on the Great Wabash river;" which was twice read, and

*Ordered* to be engrossed for a third reading.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of a bill for "An act to amend an act, entitled 'An act to incorporate the Canton College of Illinois.'" "

They have passed bills of the following titles:

"An act to relocate a part of the State road from Calhoun county to Schuyler county;"

"An act to change a part of the State road from Vandalia to Salem;" and

"An act, entitled 'An act to amend an act prescribing the mode of summoning grand and petit jurors, and defining their qualifications and duties.'" "

In the passage of which they ask the concurrence of the House of Representatives. And then he withdrew.

The bill for "An act to incorporate the Embarrass River Navigation Company," some days since reported to the House, was taken up and twice read; when,

On motion of Mr. McCutchen,

It was referred to the committee on Internal Improvements.

A message from the Council of Revision, by Mr. McLean, their Secretary:

*Mr. Speaker:* The Council of Revision have approved acts of the following titles:

“An act to provide for the election of justices of the peace in Naples and Meredosia, and for the appointment of certain notaries public;” and “An act to permit William Jackson to insert a middle letter in his name.” And he withdrew.

Mr. Dawson, from the select committee to which was referred a certain petition, reported a bill for “An act to amend the recorded plat of the town of Athens;” which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Flood, from the select committee of five to which was referred a bill for “An act limiting justices of the peace and constables to their several districts respectively,” reported the same with sundry amendments.

Mr. Ficklin called for a division of the question on the amendments.

The question was taken on adopting the proviso, and decided in the affirmative.

The question was then taken on adopting the third section, and decided in the affirmative.

On motion of Mr. Edwards,

The first section was further amended by inserting therein, before the provisoes, the words “or where the contract may have specifically been made payable.”

Mr. Henry moved to postpone indefinitely the bill as amended.

The question was taken thereon, by yeas and nays, on the call of Messrs. Cunningham and McMillan, and decided in the affirmative, as follow :

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Greene, Archer, Bainbridge, Churchill, Crain, Daley, Dubois, Emmerson, Fisk, Foster, Gilham, Green of Greene, Hankins, Happy, Hardin, Harris, Henry, Houston, Hull, Jarrott, Johnson, Jones, Kercheval, Kerr, Marshall, Menard, Morgan, Murphy of Cook, Naper, Otwell, Pace, Philips, Read, Robinson, Smith of Wabash, George Smith, Stapp, Thomas of St. Clair, Webb of Alexander, and Zimmerman—42.

Those who voted in the negative, are,

Messrs. Brown, Calhoun, Copland, Craig, Cunningham, Dawson, Dunn, Edmonston, Edwards, Elliott, Ficklin, Flood, French, Gouge, Green of Clay, Henderson, Holmes, Kent, Lincoln, Logan, Lyons, McCormick, McCutchen, McMillan, McWilliams, Moore, Murphy of Perry, Murphy of Vermilion, Rawalt, Roberts, R. Smith, Thomas of McLean, Thornton, Walker of Fulton, Walker of Vermilion, Webb of White, Williams, and Mr. Speaker—38.

Mr. Webb of White, from the select committee to which was referred the bill from the Senate, entitled “An act to incorporate New Haven, in Gallatin and White counties,” reported the same without amendment.

The bill was then

*Ordered* to a third reading.

Mr. Aldrich, from the select committee to which was referred a certain petition, reported a bill for “An act to relocate part of a State road from Quincy to Macomb;” which was read the first and second times, and

*Ordered* to be engrossed for a third reading.



Mr. Ficklin, from the select committee to which was referred the bill from the Senate, entitled "An act to provide for the appointment of additional judges of elections in Coles county," reported the same with sundry amendments; which were read and concurred in.

The bill was then

*Ordered* to a third reading as amended.

Mr. McMillan, from the select committee to which was referred a certain petition and remonstrance in relation to a relocation of a part of a State road therein named, made a report thereon, and asked to be discharged from the further consideration of the same; which was granted.

Mr. Pace, from the select committee to which was referred the bill from the Senate, entitled "An act to incorporate the Mount Vernon Academy," reported the same with amendments; which were read and concurred in.

The bill was then

*Ordered* to a third reading as amended.

Mr. Robinson, from the select committee to which was referred a certain petition, reported a bill for "An act supplemental to an act, entitled 'An act to extend the corporate powers of the town of Peoria,' approved February 21, 1837;" which was read the first time, and

*Ordered* to a second reading.

Mr. Jones, from the select committee to which was referred the bill from the Senate, entitled "An act to amend an act, entitled 'An act forming an additional justice's district, in the county of Randolph,'" reported the same without amendment; and the bill was

*Ordered* to a third reading.

On motion of Mr. Jones,

The rule of the House was dispensed with, and the bill was read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. Webb of White, from the select committee to which was referred the bill from the Senate, entitled "An act to establish the Illinois Asylum for the education of the deaf and dumb," with the proposed amendment thereto, reported the same without amendment.

The question was then put—"Shall the amendment, proposed by Mr. Pace to the eighth section of the bill, be adopted?"

And decided in the affirmative, by yeas and nays, as follow, upon the call of Messrs. Walker of Vermilion and Pace, viz:

Those who voted in the affirmative, are,

Messrs. Allen of Greene, Brown, Churchill, Copland, Crain, Cunningham, Dunn, Edmonston, Elliott, Ficklin, Fisk, Flood, Foster, French, Gouge, Green of Greene, Hankins, Harris, Houston, Hull, Johnson, Kercheval, Kerr, Logan, McMillan, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Pace, Robinson, Roman, George Smith, Thomas of St. Clair, Walker of Vermilion, Webb of Alexander and Zimmerman—41.

Those who voted in the negative, are,

Messrs. Aldrich, Alexander, Archer, Bainbridge, Calhoun, Craig, Dawson, Dubois, Edwards, Emmerson, Gilham, Happy, Hardin, Henderson, Henry, Holmes, Jarrott, Jones, Kent, Lincoln, Lyons, Mc-

Cutchen, Marshall, Menard, Philips, Rawalt, Read, Roberts, Smith of Wabash, Robert Smith, Stapp, Thomas of McLean, Thornton, Walker of Fulton, Webb of White, Williams, and Mr. Speaker—37.

On motion of Mr. Churchill,

The third section of the bill was amended by adding, after the word "born," the word "or by disease become."

On motion of Mr. Alexander,

The first section of the bill was amended by adding, at the end thereof, the following proviso, viz:

"*Provided*, That the individual property of the commissioners shall be bound for the faithful expenditure of all moneys appropriated for the purposes provided for in this act."

The bill was then

*Ordered* to a third reading as amended.

Mr. Pace, from the select committee to which was referred a certain petition, reported a bill for "An act to relocate part of the State road from Mount Vernon to Fairfield;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. McCutchen, from the select committee to which was referred the bill, entitled "An act supplemental to 'An act to incorporate the Rushville Rail Company,' approved January 16, 1836," with the amendments of the Senate thereto, reported the same without amendment.

The amendments of the Senate were then concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Archer, from the select committee to which was referred the bill, entitled "An act providing for the election of a public builder and defining his duties," reported the same with sundry amendments.

Mr. Walker of Vermilion moved that the bill and proposed amendments of the select committee be referred to the committee on Finance; which was not agreed to.

The amendments were then concurred in.

On the question—"Shall the bill be engrossed for a third reading?"

It was decided in the affirmative, by yeas and nays, as follow, upon the call of Messrs. Henry and Walker of Vermilion, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Archer, Baker, Cloud, Copland, Craig, Cunningham, Dawson, Dubois, Dunn, Elliott, Emmerson, Ficklin, Gilham, Green of Greene, Happy, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, McCutchen, McMillan, Menard, Morgan, Murphy of Vermilion, Otwell, Philips, Read, Roberts, George Smith, Stapp, Thomas of McLean, Thornton, Walker of Fulton, Webb of White, and Williams—43.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Greene, Bainbridge, Brown, Calhoun, Churchill, Crain, Edmonston, Edwards, Fisk, Flood, Foster, French, Gouge, Green of Clay, Hankins, Harris, Houston, Kercheval, Logan, Lyons, McWilliams, Moore, Murphy of Cook, Murphy of Perry, Naper, Pace, Rawalt, Robinson, Roman, Smith of Wabash, Rob't Smith, Thomas of St. Clair, Walker of Vermilion, Zimmerman, and Mr. Speaker—36

Mr. Lincoln, from the select committee to which was referred the report and resolutions in relation to the purchase of the unsold lands

by this State of the General Government, reported the same without amendment, and recommended their adoption.

Mr. Churchill moved to amend the first resolution, by adding, at the end thereof, the following, viz:

*“Provided, That the proposed purchase shall in nowise affect the rights of the settlers on the public lands, whether surveyed or unsurveyed;”* which amendment was rejected.

Mr. Walker of Vermilion moved to amend the first resolution, by adding, at the end thereof, the following, viz:

*“Provided, That the sale of the said lands to the State shall not interfere with the pre-emption rights of individuals at the time of such sale;”* which amendment was not adopted.

The resolutions were then adopted.

*Ordered*, That the Clerk carry said resolutions to the Senate and ask their concurrence in the adoption of the same.

Mr. Ficklin, from the select committee to which was referred a certain petition and a bill for “An act to construct bridges across the Kaskaskia and Embarrass rivers, at or near the points where the Springfield trace crosses said streams, and for other purposes,” reported a substitute for said bill; when

The House adjourned until 2 P. M.

TWO O’CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Craig,

The rule of the House was dispensed with, and leave given him to offer the following resolution, which was adopted, viz:

*Resolved by the House of Representatives*, That the use of this Hall be granted to Timothy Turner, Esq., agent of the “Illinois State Temperance Society,” for the purpose of delivering a lecture on temperance, to-morrow evening, February 3, at 7 o’clock.

The question pending last evening, when the House adjourned, being the motion made by Mr. Murphy of Vermilion, to lay on the table the amendment proposed by Mr. Calhoun, to amend the resolution from the Senate, requiring the Engrossing Clerks of both Houses to make out a sufficient number of copies of memorials, &c., for the purpose of being sent to our Senators, &c., in Congress, coming up for consideration,

The question was put—“Shall the proposed amendment be laid on the table?”

And decided in the affirmative, by yeas and nays as follow, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Archer, Craig, Cunningham, Dubois, Dunn, Edwards, Elliott, Emmerson, Gilham, Gouge, Hardin, Henderson, Henry, Holmes, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, Marshall, Menard, Morgan, Murphy of Vermilion, Otwell, Pace, Philips, Rawalt, Read, Roberts, Smith of Wabash, George Smith, Stapp, Thomas of McLean, Thornton, Walker of Fulton, Webb of Alexander, Webb of White, and Williams—44.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Greene, Bainbridge, Brown, Calhoun, Churchill, Cloud, Copland, Crain, Daley, Dawson, Edmonston, Ficklin, Fisk, Flood, Foster, French, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Kercheval, Logan, McWilliams, Moore, Murphy of Cook, Murphy of Perry, Naper, Robinson, Roman, Robert Smith, Walker of Vermilion, Zimmerman, and Mr. Speaker—36.

Mr. Fisk moved to amend the resolution from the Senate, by adding the following, viz:

*“Provided, That no resolutions shall be made out and transmitted, as aforesaid, unless they are expressly authorized to be transmitted by the Governor, at the time of their passage.”*

Mr. Edwards moved to lay the amendment proposed by Mr. Fisk on the table; which was agreed to, by yeas and nays, as follow, upon the call of Messrs. Walker of Vermilion and Crain, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Archer, Baker, Copland, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Emmerson, Ficklin, Gilham, Hardin, Henderson, Henry, Holmes, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, Marshall, Menard, Morgan, Murphy of Vermilion, Otwell, Phillips, Rawalt, Read, Roberts, Smith of Wabash, George Smith, Stapp, Thomas of McLean, Walker of Fulton, Webb of Alexander, Webb of White, and Williams—46.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Greene, Bainbridge, Brown, Calhoun, Churchill, Cloud, Crain, Edmonston, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Kercheval, Logan, McWilliams, Moore, Murphy of Cook, Murphy of Perry, Naper, Pace, Robinson, Roman, Robert Smith, Thomas of St. Clair, Walker of Vermilion, Zimmerman, and Mr. Speaker—35.

Mr. Walker of Vermilion moved to amend the resolution from the Senate, by adding the following, viz:

*Resolved, That Congress has no direct power to charter a National Bank, and the exercise of such a power would be an usurpation dangerous to our Republican Government, and our free institutions.*

*Resolved, That while no money can be drawn from the United States' treasury but in consequence of an appropriation made by law, no bank can constitutionally lend out the treasures of the Union, or lend out money on their hypothecation, for the reason that this would give Government officers an opportunity to use the treasures of the Government for political purposes, when the constitution will not allow them to be used for any purpose, however laudable, without an appropriation.*

*Resolved, That while the Government treasures are made a basis for bank issues, they may be borrowed, and drawn from the treasury, without an appropriation, in palpable violation of the constitution.*

*Resolved, That the only case in which Congress can grant exclusive privileges to any person or persons, is in the case of authors and inventors. In this case, Congress has the express delegated power, and has not to depend on a merely incidental implied, doubtful power.*

Mr. Hardin moved to amend the first resolution of the proposed amendment of Mr. Walker of Vermilion, by adding, at the end thereof, the following, viz:

*Resolved*, That we concur in the opinion of president Jackson, expressed in his veto message of July 16, 1832, as follows—that “a bank of the United States is, in many respects, convenient for the Government, and useful to the people;” and that such a bank, “competent to all the duties which may be required by the Government, might be so organized so as not to infringe on the delegated powers of the General Government, or the reserved rights of the States.”

On the question—“Shall the amendment of Mr. Walker of Vermilion be amended as proposed by Mr. Hardin?”

It was decided in the affirmative, by yeas and nays, as follow, upon the call of Messrs. Williams and Calhoun, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Archer, Baker, Copland, Craig, Cunningham, Dawson, Dubois, Dunn, Edmonston, Edwards, Elkin, Elliott, Emerson, Gilham, Green of Greene, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, Marshall, Menard, Morgan, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, Smith of Wabash, George Smith, Robert Smith, Stapp, Thomas of McLean, Walker of Fulton, Webb of White, and Williams—49.

Those who voted in the negative, are,

Messrs. Allen of Greene, Bainbridge, Brown, Calhoun, Churchill, Cloud, Crain, Ficklin, Fisk, Flood, Foster, French, Gouge, Green of Clay, Hankins, Happy, Harris, Houston, Kercheval, Logan, McWilliams, Moore, Murphy of Cook, Murphy of Perry, Naper, Pace, Robinson, Roman, Thomas of St. Clair, Walker of Vermilion, Webb of Alexander, Zimmerman, and Mr. Speaker—33.

Mr. Rawalt moved to lay the amendment as amended, on the table; which was not agreed to.

Mr. Naper moved to lay the resolution from the Senate and proposed amendments thereto on the table; which was not agreed to, by yeas and nays, as follow, upon the call of Messrs. Dubois and McMillan, viz:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Greene, Bainbridge, Brown, Calhoun, Churchill, Cloud, Copland, Crain, Edmonston, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Hull, Kercheval, Logan, McWilliams, Moore, Murphy of Cook, Murphy of Perry, Naper, Pace, Robinson, Roman, Robert Smith, Thomas of St. Clair, Walker of Vermilion, Zimmerman, and Mr. Speaker—37.

Those who voted in the negative, are,

Messrs. Aldrich, Archer, Baker, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Emmerson, Ficklin, Gilham, Hardin, Henderson, Henry, Holmes, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, Marshall, Menard, Morgan, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, Smith of Wabash, George Smith, Stapp, Thomas of McLean, Walker of Fulton, Webb of Alexander, Webb of White, and Williams—45.

Mr. Roman moved to amend the amendment as amended, by adding the following, viz:

*Resolved*, That we concur in the opinion expressed in the Farewell Address of Andrew Jackson, "That the distress and sufferings inflicted on the people by the Bank of the United States, are some of the fruits of that system of policy which is continually striving to enlarge the authority of the Federal Government and the limits fixed by the constitution; and that the powers enumerated in that instrument do not confer on Congress the right to establish such a corporation as the Bank of the United States."

Mr. Hardin moved to lay the last resolution, and the three last proposed by Mr. Walker of Vermilion, on the table.

Mr. McCutchen moved the previous question.

Mr. Fisk moved that the House adjourn; which was not agreed to.

On the question—"Shall the main question be now put?"

It was decided in the affirmative.

The question recurring on the the amendment proposed by Mr. Roman.

Mr. Williams called for a division of the question, so as to take the vote on the first branch of the resolution down to the word "constitution," inclusive.

The question was then taken on the adoption of the first branch of the resolution, and decided in the negative, by yeas and nays, as follow, upon the call of Messrs. Calhoun and Walker of Vermilion, viz:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Greene, Bainbridge, Brown, Calhoun, Churchill, Cloud, Copland, Crain, Edmonston, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Kercheval, Logan, McWilliams, Moore, Murphy of Cook, Murphy of Perry, Naper, Pace, Robinson, Roman, Robert Smith, Thomas of St. Clair, Walker of Vermilion, Zimmerman, and Mr. Speaker—36.

Those who voted in the negative, are,

Messrs. Aldrich, Archer, Baker, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Emmerson, Ficklin, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, Marshall, Menard, Morgan, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, Smith of Wabash, George Smith, Stapp, Thomas of McLean, Walker of Fulton, Webb of Alexander, Webb of White, and Williams—46.

The question was then taken on the adoption of the last branch of the amendment proposed by Mr. Roman, and decided in the negative, by yeas and nays, as follow, upon the call of Messrs. Happy and Calhoun, viz:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Greene, Bainbridge, Brown, Calhoun, Churchill, Cloud, Crain, Edmonston, Ficklin, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Kercheval, Logan, McWilliams, Moore, Murphy of Cook, Murphy of Perry, Naper, Pace, Robinson, Roman, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Zimmerman, and Mr. Speaker—36.

Those who voted in the negative, are,

Messrs. Aldrich, Archer, Baker, Copland, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Emmerson, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, McCormick, McCutchen, McMillan, Marshall, Menard, Morgan, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, Smith of Wabash, George Smith, Robert Smith, Stapp, Thomas of McLean, Webb of Alexander, Webb of White, and Williams—46.

Mr. Pace called for a division of the question, so as to take the vote on all the proposed amendments, except that proposed by Mr. Hardin.

Mr. Smith of Wabash called for a further division, so as to take the vote on the first resolution proposed by Mr. Walker of Vermilion.

Mr. Walker of Vermilion called for a further division, so as to take the vote on the first branch of the first resolution proposed by himself; which is as follows:

"That Congress has no direct power to charter a National Bank."

The question being put upon the first branch of the first resolution proposed by Mr. Walker of Vermilion, it was decided in the negative, by yeas and nays, upon the call of Messrs. Walker of Vermilion and Calhoun, as follow, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Greene, Bainbridge, Brown, Calhoun, Churchill, Cloud, Crain, Edmonston, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Kercheval, Logan, McWilliams, Moore, Murphy of Cook, Murphy of Perry, Naper, Pace, Robinson, Roman, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Zimmerman, and Mr. Speaker—36.

Those who voted in the negative, are,

Messrs. Archer, Baker, Copland, Craig Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Emmerson, Ficklin, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, Marshall, Menard, Morgan, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, Smith of Wabash, George Smith, Robert Smith, Stapp, Thomas of McLean, Webb of Alexander, Webb of White, and Williams—46.

Mr. Happy called for a division of the question, so as to take the vote on all the amendments, except that proposed by Mr. Hardin.

The question was then taken upon all the proposed amendments, except that of Mr. Hardin's, and decided in the negative, by yeas and nays, upon the call of Messrs. Walker of Vermilion and Rawalt, as follows, viz:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Greene, Bainbridge, Brown, Calhoun, Churchill, Cloud, Crain, Edmonston, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Kercheval, Logan, McWilliams, Moore, Murphy of Cook, Murphy of Perry, Naper, Pace, Robinson, Roman, Robert Smith, Thomas of St. Clair, Walker of Vermilion, Zimmerman, and Mr. Speaker—35.

Those who voted in the negative, are,

Messrs. Aldrich, Archer, Baker, Copland, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Emmerson, Ficklin, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, Marshall, Menard, Morgan, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, Smith of Wabash, George Smith, Stapp, Thomas of McLean, Walker of Fulton, Webb of Alexander, Webb of White, and Williams—47.

The question was then taken on the amendment proposed by Mr. Hardin, and decided in the negative, by yeas and nays, upon the call of Messrs. Happy and Fisk, as follow, viz:

Those who voted in the affirmative, are,

Messrs. Alexander, Bainbridge, Brown, Calhoun, Churchill, Cloud, Copland, Edmonston, Foster, Gouge, Green of Greene, Harris, Houston, Jarrott, Johnson, Kercheval, Logan, McMillan, McWilliams, Morgan, Murphy of Cook, Pace, Rawalt, Smith of Wabash, Robert Smith, Stapp, Thomas of McLean, and Williams—28.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Greene, Archer, Baker, Craig, Crain, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Emmerson, Ficklin, Fisk, Flood, French, Gilham, Green of Clay, Hankins, Happy, Hardin, Henderson, Henry, Holmes, Hull, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, Marshall, Menard, Moore, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Philips, Read, Roberts, Robinson, Roman, George Smith, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Webb of Alexander, Webb of White, Zimmerman, and Mr. Speaker—54.

The question was then taken on concurring with the Senate in the adoption of the resolution, and decided in the affirmative, by yeas and nays, upon the call of Messrs. Henry and Murphy of Vermilion, as follow, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Archer, Baker, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Emmerson, Ficklin, French, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, Marshall, Menard, Morgan, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, Smith of Wabash, George Smith, Stapp, Thomas of McLean, Walker of Fulton, Webb of Alexander, Webb of White, and Williams—47.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Greene, Bainbridge, Brown, Calhoun, Churchill, Cloud, Copland, Crain, Edmonston, Fisk, Flood, Foster, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Kercheval, Logan, McWilliams, Moore, Murphy of Cook, Murphy of Perry, Naper, Pace, Robinson, Roman, R. Smith, Thomas of St. Clair, Walker of Vermilion, Zimmerman, and Mr. Speaker—35.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Hardin withdrew the motion he made a few days since to amend the Journal.



A message from the Council of Revision was received, by Mr. McLean, their Secretary, which is as follows:

*Mr. Speaker:* The Council have had under consideration "An act to create and organize the county of Scott," and return the same as improper to become a law, for the following reasons;

The tenth section of the act declares that "all bonds, notes, or subscriptions that have been or may be executed, for the purpose of building public buildings in the town of Winchester, made payable to the president and trustees of the town of Winchester, or any other person, are hereby declared valid, and may be sued on and collected by law." This provision is clearly retrospective in its operation so far as it relates to contracts heretofore made; and, therefore, in our opinion, unwise and impolitic, and calculated to lead to great injustice and oppression. We do not say that every retrospective law is necessarily an *ex post facto* law, and, consequently, in violation of the constitution; but that the principle upon which such laws are founded is a dangerous one, and ought to be resorted to with great caution. As much evil may result from a law giving legal effect to anterior promises or contracts, which, at the time they were entered into, were not obligatory, and the fulfilment of which the party knew rested in his discretion, as would flow from a law making an act penal which was innocent at the time of its commission, and only made criminal by the subsequent law. The Council have no knowledge of the nature or extent of the contracts which *have* been made for the erection of public buildings, to which this act proposes to give a legal sanction, but many contracts may be readily imagined which would come within its provisions, that policy and justice would alike forbid should be enforced; such, for example, as a promise made by a married woman, or by an infant. Even the contracts of an idiot and lunatics are not exempt from the binding operation of this law, nor are those excepted. The consequences, then, which might probably flow from such a provision, seem so apparent that further illustration is not deemed necessary to show the impropriety thereof.

THOS. CARLIN,  
TH. C. BROWNE,  
THEO'S W. SMITH,  
WM. WILSON.

And he withdrew.

And then the House adjourned.

MONDAY, FEBRUARY 4, 1839.

House met pursuant to adjournment.

Mr. Rawalt presented a petition of sundry citizens of Fulton, Warren, and Hancock counties, praying for an act to establish a State road from Ellisville to Appanoose; which was referred, without reading, on his motion, to a select committee.

*Ordered,* That Messrs, Rawalt, Aldrich and Jarrott, be that committee.

Mr. Gouge presented a petition of certain citizens of Macon county praying for relief; which was referred, without reading, on his motion, to a select committee.

*Ordered*, That Messrs. Gouge, Webb of Alexander, and Murphy of Cook, be that committee.

Mr. Kent presented a petition of sundry citizens of Winnebago county, praying for an act for a toll-bridge across the Pickatonicka river at Frask's ferry; which was referred, without reading, on his motion, to a select committee.

*Ordered*, That Messrs. Kent, Bainbridge, and Kercheval, be that committee.

Mr. Copland presented a petition from 125 citizens of Johnson county, praying the establishment of a State road from Jameson's ferry, on the Ohio river, to Cape Girardeau, on the Mississippi river; which was referred, without reading, on his motion, to a select committee.

*Ordered*, That Messrs. Copland, Zimmerman, and Logan be that committee.

Mr. Stapp presented a petition of 29 citizens of Knox county, praying the repeal of the license law; which was read, and, on his motion, referred to the committee on the Judiciary.

Mr. Roman presented the petition of Martha Welch praying for a divorce; which, without reading, was, on his motion, referred to the committee on the Judiciary.

Mr. Thornton presented two petitions of sundry inhabitants of Shelby county, praying a State road from Charleston to Springfield; which were referred, without reading, on his motion, to the committee on State Roads.

Mr. Hankins presented a memorial of William Walters, of Vandalia relative to the printed decisions of the Supreme Court; which was read and on his motion, referred to the committee on Public Accounts and Expenditures.

Mr. Archer presented a petition of sundry citizens of Clark county, praying that the turnpike road from Charleston to the Wabash river may terminate at Darwin; and a petition for an appropriation to improve the the State road from Vincennes to Chicago; which were referred, without reading, on his motion, to the committee on Internal Improvements.

Mr. Thomas of St Clair presented a petition of Sundry citizens of St Clair county, praying the location of a State road from Belleville to Cairo; which was referred, without reading, on his motion, to the committee on State Roads.

Mr. Henry moved to dispense with the rules, so as to take up the bill for "An act to establish the county of Scott," returned to this House by the Council of Revision; which was agreed to.

On motion of Mr. Henry,

The bill and the objections of the Council thereto were referred to select committee.

*Ordered*, That Messrs Henry, Hardin, and Green of Greene be the committee.

Mr. Aldrich, from the committee on Public Accounts and Expenditures, reported a bill for "An act to incorporate the Warsaw Marine and Fire Insurance Company;" which was twice read, and, on his motion referred to the committee on the Judiciary.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have passed bills of the following titles, viz:

"An act to incorporate the La Salle Prairie Company;"

"An act to provide for the appointment of notaries public;"

"An act to authorize the county commissioners of Peoria and other counties to lease certain offices;"

"An act to change part of the Philips' ferry road, in Morgan county;"

"An act, entitled 'An act to locate a State road from Thornton to Lockport, Plainfield, and Blackberry creek,' approved February 27, 1837;"

"An act to authorize John A. McClanahan to build a mill-dam in Fayette county;" and

"An act to incorporate the German Library Society of St. Clair county."

In the passage of which they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in the passage of certain bills, entitled as follow:

"An act to amend an act, entitled 'An act authorizing a lottery to raise funds for the purpose of draining the ponds of the American bottom;" and

"An act to authorize Benjamin McKay and others to lay off additional lots in the town of Stephenson, in Rock Island county."

They have also concurred with the House of Representatives in the passage of a bill, entitled "An act to incorporate the town of Warsaw." as amended by them; in which amendment they ask the concurrence of the House of Representatives.

They have adopted the following resolution:

*Resolved by the Senate,* (the House of Representatives concurring herein,) That neither branch of this General Assembly will receive any new business after the 20th February, the present month; and that both branches of this General Assembly will adjourn, *sine die*, on Monday, the fourth day of March, 1839.

In the adoption of which they ask the concurrence of the House of Representatives. And he withdrew.

Mr. Elkin, from the committee on Engrossed Bills, reported, as correctly engrossed, bills of the following titles:

"An act to incorporate the Des Moines Rapids Railroad Company;"

"An act to authorize the clerk of Madison circuit court to procure the rebinding of certain records;"

"An act to relocate the seat of justice in the county of Iroquois," and

"An act to extend the corporate powers of the town of Pekin."

Mr. Webb of White, from the committee on the Judiciary, reported a bill for "An act authorizing the administrator of Henry M. Shaw, dec'd, to execute deeds in certain cases, and changing the name of the town of Florence, in White county;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Lyons, from the committee on Elections, to which was referred the bill from the Senate for "An act to amend an act, entitled 'An act regulating elections,' in force June 1, 1839," reported the same without amendment.

On motion of Mr. Edmonston,

The bill was amended, by adding the following:

SEC. 3. Elections to fill vacancies in either branch of the General Assembly, occurring during the sessions of the Legislature, may be held on such notice, not less than five nor more than twenty days, as the Governor may direct in the writ of election issued to fill such vacancies.

The bill was then

*Ordered* to a third reading as amended.

Mr. Fisk, from the committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act to amend the several acts incorporating the town of Galena," reported the same without amendment.

The bill was then

*Ordered* to a third reading.

Mr. Thomas of St. Clair, from the committee on Internal Improvements, reported a bill for "An act to authorize St. Clair county to establish a ferry across the Mississippi river;" which was read the first time, and

*Ordered* to a second reading; and,

On motion of Mr. Thomas of St. Clair,

The rule of the House was dispensed with, and the bill read the second time by its title; and,

On motion of Mr. Edwards,

Referred to the committee on the Judiciary.

Mr. Fisk, from the committee on the Judiciary, to which was referred a certain resolution, reported a bill for "An act to amend an act concerning judgments and executions," approved, January 17, 1825," which was read the first time; and

*Ordered* to a second reading.

Mr. Moore, from the committee on Counties, to which were referred a certain petition and remonstrance, reported a bill for "An act to permanently locate the county seat of Mercer county;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Craig,

The rule of the House was dispensed with, and the bill read the second time by its title, and

*Ordered* to be engrossed for a third reading.

Mr. Williams, from the committee on Finance, to which was referred a bill from the Senate for "An act regulating the salaries of the judges of the Supreme Court," reported the same without amendment; and it was

*Ordered* to a third reading.

Mr. Fisk, from the committee on the Judiciary, to which was referred a bill for "An act to amend an act regulating the mode of trying the right of property," reported the same with an amendment; which was read and concurred in, and the bill, as amended,

*Ordered* to be engrossed for a third reading.

Mr. Fisk, from the committee on the Judiciary, to which was referred the bill from the House of Representatives for "An act to amend an act, entitled 'An act concerning judgments and executions,' approved January 17, 1825," together with the amendment of the Senate thereto,

reported the same, and recommended the concurrence of the House of Representatives therein.

The question was taken—"Will the House concur in the amendment of the Senate?"

And decided in the affirmative.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred the bill for "An act to incorporate the Fox River Manufacturing Company, and for other purposes," reported the same with an amendment; which was read and concurred in, and the bill, as amended,

*Ordered* to be engrossed for a third reading.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred the bill for "An act to incorporate the Kankakee Manufacturing Company," reported the same with an amendment; which was read and concurred in, and the bill, as amended,

*Ordered* to be engrossed for a third reading.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred the bill for "An act to incorporate the Embarrass River Navigation Company," reported the same without amendment; and the bill was

*Ordered* to be engrossed for a third reading.

The substitute, some days since reported by the select committee to which was referred the bill for "An act to construct bridges across the Kaskaskia and Embarrass rivers, at or near the points where the Springfield trace crosses said streams, and for other purposes," was read and concurred in, and the bill, as amended,

*Ordered* to be engrossed for a third reading.

Mr. Crain, from the select committee, to which was referred the bill from the Senate for "An act to relocate part of a State road in Franklin county," reported the same without amendment; when it was

*Ordered* to a third reading.

Mr. Kerr, from the select committee to which was referred the bill from the Senate for "An act to provide for certain improvements in Pike county," reported the same without amendment; and it was

*Ordered* to a third reading

Mr. Dunn, from the select committee to which was referred a certain petition, reported a bill for "An act to locate a State road from McKinzie's place, in Hamilton county, to Shawneetown, in Gallatin county;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Read, from the select committee, to which was referred a certain petition, reported a bill for "An act for the relief of J. H. C. Hanna;" which was twice read, and,

On motion of Mr. Ficklin,

Referred to the committee on the Judiciary.

Mr. McWilliams, from the select committee to which was referred a certain petition, reported a bill for "An act to locate a State road from Griggsville, in Pike county, to the Mississippi river;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Allen of Franklin, from the select committee to which was referred a certain petition, reported a bill for "An act to authorize Samuel Hillon and Sylvanus Mason to build a mill-dam across Big Muddy river;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Huey, from the select committee to which was referred the bill for "An act to change an appropriation heretofore made to Clinton county," reported the same with an amendment; which was read and concurred in.

The question was put—"Shall the bill pass as amended?"

And decided in the affirmative

*Ordered*, That the title of the bill be as aforesaid, that the Clerk inform the Senate of the passage thereof, and ask their concurrence therein.

Mr. Craig, from the select committee to which were referred certain petitions and remonstrances, reported a bill for "An act to create the county of Lee from the county of Ogle;" which was twice read, and, on his motion, referred to the committee on Counties.

On motion of Mr. Allen of Greene,

The House resolved itself into a Committee of the Whole, on the bill for "An act to distribute the school fund to the several counties in the State;" and after some time spent therein, the Speaker resumed the chair, and Mr. Moore, the chairman of the committee, reported that they had, according to order, had under consideration the said bill, and had directed him to report the same without amendment.

On motion of Allen of Greene,

The bill was referred to a select committee of seven.

*Ordered*, That Messrs. Allen of Greene, Flood, Ficklin, French, Archer, Elkin, and Zimmerman, be that committee.

And then the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Kerr,

The rules were dispensed with, and the bill from the Senate for "An act to provide for certain improvements in Pike county," was taken up and read a third time.

Mr. Murphy of Vermilion moved to lay it on the table; not agreed to.

The question was taken—"Shall the bill pass?"

And decided in the affirmative.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate of the concurrence of the House of Representatives in the passage thereof.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have adopted the following resolutions, viz:

*Resolved*, That it is the opinion of this General Assembly, that it is inexpedient for the Congress of the United States to establish a United States' Bank on any terms.

*Resolved*, That our Senators and Representatives in Congress be requested to use their influence in opposing any line of policy that may lead to the establishment of a National Bank.

*Resolved*, That the recent policy of the States, in the establishment of State Banks, and connecting them with the various systems of internal improvements in the several States, requires at the hands of this State an uncompromising hostility to a United States' Bank.

In the adoption of which they ask the concurrence of the House of Representatives." And he withdrew.

The resolution of the Senate, appointing the 12th day of this month for the election of Canal Commissioners, and other officers, by the two Houses of the General Assembly, was taken up.

Mr. Hardin moved to amend, by striking out the words "Commissioners of Public Works."

Mr. Fisk moved to lay it on the table; not agreed to.

The question was put on adopting the amendment put by Mr. Hardin, and decided in the affirmative.

On motion of Mr. Ficklin,

The resolution was further amended, by striking out the words "Fund Commissioners."

Mr. Logan moved to amend, by inserting, after the word "Banks," the words, "and also State's Attorneys for the third, fourth, and seventh judicial circuits."

Mr. Edwards moved to lay on the table; which was not agreed to.

The question was then taken on adopting the amendment proposed by Mr. Logan, and decided in the affirmative.

Mr. Dunn moved to amend, by striking out the words "Canal Commissioners;" not agreed to.

On motion of Mr. Allen of Greene,

The words "12th February," were stricken out and "9th February" inserted in their stead.

The resolution, as amended, was then concurred in.

*Ordered*, That the Clerk inform the Senate thereof, and ask the concurrence of the Senate in the amendments of the House.

The bill from the Senate for "An act regulating tavern and grocery license," was read the first time, and

*Ordered* to a second reading.

The bills from the Senate for

"An act to establish a State road from Beardstown to Manchester;"

"An act to change part of the State road from Vandalia and Salem;"

"An act to incorporate the La Salle Prairie Company;"

"An act, entitled 'An act to locate a State road from Thornton to Lockport, Plainfield, and Blackberry creek,' approved February 27, 1837,"

Were severally read twice, and

*Ordered* to a third reading.

The bill from the Senate for "An act disposing of the public property in Vandalia," was twice read, and,

On motion of Mr. Hankins,

Referred to the committee on Public Buildings and Grounds.

The bill from the Senate for "An act to locate a State road from the northern boundary of Warren county to Illinois city, in Rock Island county," was twice read, and,

On motion of Mr. Stapp,

Referred to a select committee.

Ordered, That Messrs. Stapp, Craig, and Philips, be that committee.

The bill from the Senate for "An act to relocate a part of the State road from Calhoun county to Schuyler county," was twice read, and,

On motion of Mr. Kerr,

Referred to a select committee.

Ordered, That Messrs. Kerr, Brown, and McWilliams, be that committee.

The bill from the Senate for "An act, entitled 'An act to amend an act prescribing the mode of summoning grand and petit jurors, and defining their qualifications and duties,'" was twice read, and,

On motion of Mr. Flood,

Referred to a select committee.

Ordered, That Messrs. Flood, Harris, and Fisk, be that committee.

The bill from the Senate for "An act to authorize the county commissioners of the county of Winnebago to sell certain lots," was twice read, and,

On motion of Mr. Craig,

Referred to the committee on Counties.

The bills from the Senate for "An act to locate a State road from Pope creek, via Edwards river, to Stephenson;" and "An act to relocate a State road at and near Prophet's town," were severally twice read, and,

On motion of Mr. Craig,

Referred to the committee on State Roads.

The bill from the Senate for "An act authorizing the county commissioners' courts of the counties of Cook, Washington, and Clinton, to effect loans," was twice read, and,

On motion of Mr. Crain,

Referred to a select committee.

Ordered, That Messrs. Crain, Huey, and Kercheval, be that committee.

The bill from the Senate for "An act to amend an act, entitled 'An act to amend the several acts in relation to common schools,'" was twice read, and,

On motion of Mr. Moore,

Referred to the committee on Education.

The resolution from the Senate, relative to the adjournment, *sine die*, of the General Assembly, on the fourth of March, 1839, was taken up, read, and concurred in.

Ordered, That the Clerk inform the Senate thereof.

The amendments of the Senate to the bill from the House of Representatives for "An act to incorporate the town of Warsaw," were taken up and read.



Mr. Allen of Greene called for a division of the question, so as to take a vote separately on the first amendment proposed.

The question was first taken on concurring in the first amendment, viz: substituting the word "citizens" for the word "inhabitants," in the 17th line of the 3d section, and decided in the affirmative.

The question was taken on concurring in the other amendments, and decided in the affirmative.

*Ordered*, That the Clerk inform the Senate thereof.

The bill from the Senate for "An act to authorize John A. McClanahan to build a mill-dam in Fayette county," was twice read, and,

On motion of Mr. Hankins,

Referred to a select committee.

*Ordered*, That Messrs. Hankins, Green of Clay, and Fisk, be that committee.

The bills from the Senate for "An act to change part of the Philips' ferry road, in Morgan county;" and "An an act to provide for the appointment of notaries public," were severally read the first time, and

*Ordered* to a second reading.

The bill from the Senate for "An act to authorize the county commissioners of Peoria, and other counties, to lease certain offices," was twice read, and

On motion of Mr. Rawalt,

Referred to a select committee.

*Ordered*, That Messrs. Rawalt, Compher, and Robinson, be that committee.

The bill from the Senate for "An act to incorporate the German Library Society of St. Clair county," was twice read.

Mr. Menard moved to strike out the words "Be it further enacted," wherever they occur in any section after the first; when,

On motion of Mr. Roman,

The bill was referred to the committee on Education.

The resolutions from the Senate in relation to a Bank of the United States, and requesting our Senators and Representatives in Congress to oppose its establishment, were taken up.

Mr. Hardin moved to amend, by inserting, after the the first resolution, the following:

*Resolved*, That we concur in the opinion expressed by General Jackson, in his veto message of July 16, 1832, as follows: that "a Bank of the United States is, in many respects, convenient for the Government and useful to the people; and that such a Bank, competent to all the duties which may be required by the Government, might be so organized as not to infringe on the delegated powers of the General Government, or the reserved rights of the States."

Mr. Pace moved to lay the amendment on the table; which was not agreed to.

Mr. Stapp moved that the House adjourn; which was not agreed to.

Mr. Jarrott moved to lay the resolutions and amendment on the table until the 4th day of July next; when,

On motion of Mr. Calhoun,  
They were laid on the table.

On motion of Mr. Stapp,

The bill for "An act concerning the public revenue," was taken up; and, on his further motion, referred to the committee of the Whole House, and made the special order of the day for Wednesday next.

And then the House adjourned.

## TUESDAY, FEBRUARY 5, 1839.

House met pursuant to adjournment.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have passed bills of the following titles, viz:

"An act concerning deeds executed without this State;"

"An act supplemental to the several acts relative to the Wabash Navigation Company;"

"An act to relocate a part of the Vincennes and Chicago State road, via Russellville, and to declare a certain road therein named a State road;" and

"An act to authorize a change in a certain State road therein named;"

In the passage of which they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in the passage of the bill for "An act to incorporate the town of Fayette."

They have amended the title of said bill, by adding the words "in Greene county;" in which amendment they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in the passage of the bill for "An act to grant a compensation to the brigade inspector of the first brigade and third division of Illinois militia," as amended by them.

They have also amended the title of said bill, by adding the words "and for other purposes;" in which amendments to the bill and title thereof they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in the passage of the bills, entitled

"An act supplemental to an act, entitled 'An act to amend an act for the limitation of actions, and for avoiding vexatious law suits;'"

"An act to create the county of Du Page;"

"An act to repeal part of an act to incorporate the city of Chicago;" and

"An act to authorize Ezra Baker, jr., and Henry I. Mills to erect a mill-dam across the Little Wabash river," as amended by them.

In which amendments to said bills they ask the concurrence of the House.

They have concurred with the House in the passage of bills, entitled "An act in relation to garnishees;"

"An act for the relief of the inhabitants of township, No. 2 south, range 8 east, in Wayne county;"

"An act for the relief of the heirs of John Thompson, deceased;"

"An act to change the name of the town of Charleston, in the county of Kane, to that of St. Charles;"

"An act to vacate the plat of the town of Savannah, in Iroquois county;" and

"An act to change a certain State road in Morgan county." And then he withdrew.

Mr. Elkin, from the committee on Engrossed Bills, reported, as correctly engrossed, bills, entitled

"An act to relocate part of the State road from Mount Vernon to Fairfield;"

"An act to incorporate the town of Decatur;"

"An act to revive and amend an act, entitled 'An act to incorporate the town of Caledonia;'"

"An act to relocate part of a State road from Quincy to Macomb;" and

"An act to amend the recorded plat of the town of Athens."

Mr. Kent presented the petition of sundry citizens of Winnebago county, praying that the point for the permanent county seat may be decided by the voters of the county, at the next August election; which, on his motion, was referred, without reading, to the committee on Counties.

Mr. Kent presented the petition of sundry citizens of Winnebago county, praying for a further appropriation for the improvement of the navigation of Rock river; which, on his motion, was referred, without reading, to the committee on Internal Improvements.

Mr. Allen of Greene presented the petition of H. M. Blanchard and others, praying for the location of a branch of the Bank of Illinois in the town of Carrollton; which was read, and, on his motion, laid on the table.

Mr. Webb of White presented the petition of P. H. Brady and others, for the incorporation of a medical society; which, on his motion, was referred, without reading, to the committee on Education.

Mr. Craig presented several remonstrances from the citizens of the county of Winnebago, against the removal of the county seat of said county; which, on his motion, were referred, without reading, to the committee on Counties.

Mr. Maus presented the petition of sundry citizens of Sangamon and Tazewell counties, praying the formation of a new county, to be called Mason, out of said counties; which, on his motion, was referred, without reading, to the committee on Counties.

Mr. Craig presented the petition of sundry citizens of Mercer and Henry counties, for a road from New Boston to Richmond, in Henry county; which, on his motion, was referred, without reading, to the committee on State Roads.

Mr. Harris presented the petition of sundry citizens of Macoupin county, praying for a change in part of a State road therein named; which, on his motion, was referred, without reading, to the committee on State Roads.

Mr. Fisk presented the petition of sundry citizens of Montgomery county, praying for the appointment of an additional notary public in the town of Zanesville; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Fisk, Harris, and Wood, be that committee.

Mr. Kercheval presented the petition of sundry citizens of the counties of Cook, Will and McHenry, praying a division of the seventh judicial circuit; which, on his motion, was referred, without reading, to the committee on the Judiciary.

Mr. McCutchen presented the petition of sundry citizens of Schuyler county, praying for a State road therein named; which, on his motion, was referred, without reading, to the committee on State Roads.

Mr. McWilliams presented the petition of sundry citizens, praying a change in part of the State road leading from Gilead, in Calhoun county, to Rushville, in Schuyler county; which, on his motion, was referred, without reading, to the same select committee to which was referred a bill on the same subject.

Mr. Holmes presented the petitions of sundry citizens of Cass county, in relation to the county seat of said county; which, on his motion, were referred, without reading, to the committee on Counties.

Mr. Thomas of McLean presented the petition of sundry citizens, praying for a State road therein named; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Thomas of McLean, Hull, and Crain, be that committee.

Mr. Henderson presented the petition of sundry citizens of Putnam county, against the establishment of a State road from Hennepin to Knoxville; which, on his motion, was referred, without reading, to the committee on State Roads.

Mr. Henderson presented the petition of sundry citizens of Bureau county, to vacate a State road from Princeton to Greenfield; which, on his motion, was referred, without reading, to the committee on State Roads.

Mr. Henderson presented the petition of sundry citizens of Bureau county on the subject of education; which, on his motion, was referred, without reading, to the committee on Education.

Mr. Henderson presented the petition of sundry citizens of Bureau county, to incorporate "the First Independent Congregational Society of Princeton;" which, on his motion, was referred, without reading, to the committee on the Judiciary.

Mr. Huey presented the petition of sundry citizens of Clinton county, praying for "An act to authorize Elizabeth Middleton to keep a ferry across the Kaskaskia river;" which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Huey, Roman, and Pace, be that committee.

Mr. Thomas of McLean presented the petition of citizens of McLean county, praying the Legislature to abolish the license law; which, on his motion, was referred, without reading, to the committee on the Judiciary.

Mr. Huey presented the petition of William B. King and other citizens of Clinton county, praying a relocation of the toll-bridge across

Shoal creek; which, on his motion, was referred, without reading, to the committee on Internal Improvements.

Mr. Webb of White from the committee on the Judiciary, to which was referred the bill for "An act to incorporate the Mount Carmel Manufacturing Company," reported the same with sundry amendments; which were read and concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Hardin from the committee on the Judiciary, reported a bill for "An act in relation to executions;" which was twice read, and,

On motion of Mr. Harris,

Referred to a select committee.

*Ordered*, That Messrs. Harris, Hardin, and Dawson, be that committee.

Mr. Ficklin, from the committee on the Judiciary, to which was referred a bill for "An act to incorporate the Fairfield Institute," reported the same with an amendment; which was read and concurred in.

On motion of Mr. Pace,

The word "forever" was stricken out.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Cloud, from the committee on Canals and Canal Lands, to which was referred the bill from the Senate, for "An act to amend an act, entitled 'An act to protect the canal lands against trespasses,' approved March 4, 1837," reported the same with sundry amendments; which were read and concurred in, and the bill, as amended,

*Ordered* to a third reading.

Mr. Kent, from the committee on Education, reported a bill for "An act to incorporate the seminaries of learning therein named;" which was read the first time, and

*Ordered* to a second reading.

Mr. Ficklin, from the committee on the Judiciary, to which was referred a bill for "An act to incorporate the town of Lacon, in Marshall county," reported the same without amendment; and it was

*Ordered* to be engrossed for a third reading.

Mr. Rawalt, from the select committee to which was referred the bill from the Senate for "An act to authorize the county commissioners of Peoria, and other counties, to lease certain offices," reported the same without amendment; and it was

*Ordered* to a third reading.

Mr. Crain, from the select committee to which was referred a certain resolution, reported a bill for "An act regulating the time of holding the circuit courts in the second judicial circuits;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Flood, from the committee on Enrolled Bills, reported that the joint resolutions relative to the Sub-treasury system had been correctly enrolled.

Mr. Williams, from the committee on Finance, to which was referred a part of the Governor's message, reported a bill for "An act to encourage the introduction and permanent investment of capital in this State,

and to establish the basis of a safe credit system;" which was twice read, and, on his motion, laid on the table, and ordered to be printed.

Mr. Craig, from the select committee to which were referred certain petitions, reported a bill for "An act to locate certain State roads;" which was twice read, and, on his motion, referred to the committee on State Roads.

Mr. Green of Clay, from the select committee to which was referred the bill for "An act declaring the Des Plaine's river a navigable stream," reported the same with an amendment; which was read and concurred in, and the bill, as amended,

*Ordered* to be engrossed for a third reading.

Mr. Elkin, from the select committee to which was referred the bill from the Senate for "An act for the relocation of the State road from Charleston to Springfield," reported the same with an amendment; and, on his motion, the bill and amendment were referred to the committee on State Roads.

Mr. Naper, from the committee on Claims, reported a bill for "An act to incorporate the Chicago Lyceum," which was twice read, and,

On motion of Mr. Fisk,

Referred to the committee on the Judiciary.

Mr. Bainbridge, from the select committee to which was referred a bill for "An act to establish a State road in Franklin and Union counties," reported the same without amendment; and the bill was

*Ordered* to be engrossed for a third reading.

Mr. Jarrott, from the select committee of five to which was referred the bill for "An act to establish the county of Stark," reported the same with sundry amendments; which were read.

Mr. Stapp moved to postpone indefinitely the bill and amendments; when,

On motion of Mr. Henderson,

They were laid on the table.

On motion of Mr. Kent,

*Resolved*, That the use of this Hall be tendered to Timothy Turner, Esq., on Wednesday evening next, for the purpose of delivering a lecture on temperance.

Mr. Stapp, from the select committee to which was referred a certain petition, reported a bill for "An act to authorize the location of a State road from New Albany to Genesee, in Henry county;" which was twice read, and, on his motion, referred to the committee on State Roads.

On motion of Mr. Robinson,

The rules were dispensed with, and leave given him to introduce a bill for "An act to incorporate the Illinois Legion."

Mr. Dubois moved that the House adjourn until 2 o'clock, P. M.; which was not agreed to.

The bill was read the first time, and

*Ordered* to a second reading.

And then the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The bill from the Senate, for "An act supplemental to the several acts relative to the Wabash Navigation Company," was twice read, and,

On motion of Mr. Alexander,

Referred to the committee on Internal Improvements.

The bill from the Senate for "An act to authorize a change in a certain State road therein named," was twice read, and

*Ordered* to a third reading.

The bill from the Senate for "An act to relocate a part of the Vincennes and Chicago State road, via Russellville, and to declare a certain road therein named a State road," was twice read, and,

On motion of Mr. Alexander,

Referred to the committee on State Roads.

The bill from the Senate for "An act concerning deeds executed without this State," was twice read, and,

On motion of Mr. Walker of Vermilion,

Referred to the committee on the Judiciary.

The amendments of the Senate to the bill from the House of Representatives, for "An act to authorize Ezra Baker, jr. and Henry I. Mills to erect a mill-dam across the Little Wabash river," were read, and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The amendments of the Senate to the bill from the House of Representatives, for "An act to grant a compensation to the brigade inspector of the first brigade and third division of Illinois militia," were read; when,

On motion of Mr. Elkin,

The bill and amendments were referred to the committee on the Militia.

The amendments of the Senate to the bill from the House of Representatives for "An act supplemental to an act, entitled 'An act to amend an act for the limitation of actions, and for avoiding vexatious law suits,'" were read, and,

On motion of Mr. McCutchen,

The bill and amendments were referred to the committee on the Judiciary.

The amendment of the Senate to the title of the bill from the House of Representatives, for "An act to incorporate the town of Fayette," was read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The amendments of the Senate to the bill from the House of Representatives, for "An act to repeal part of an act to incorporate the city of Chicago," were read; when,

On motion of Mr. Walker of Vermilion,

The bill and amendments were referred to a select committee.

*Ordered*, That Messrs. Kercheval, Naper, and Walker of Vermilion, be that committee.

The amendments of the Senate to the bill from the House of Representatives, for "An act to create the county of Du Page," were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The engrossed bills, entitled

“An act to relocate the seat of justice in the county of Iroquois;”

“An act repealing all laws in relation to a State road leading from William Crow’s, in Morgan county, to Musick’s bridge, in Sangamon county;”

“An act to change the name of the town of Leesburg;”

“An act for the relief of trustees of schools in township six north, range eight west, in Madison county;”

“An act to incorporate the Jefferson Institute;”

“An act declaring Fox river, in White county, a navigable stream;” and

“An act to locate the county seat of Whiteside county, and to provide for the election of county officers;”

Were severally read a third time, and passed.

*Ordered*, That the titles thereof be as aforesaid; that the Clerk inform the Senate of the passage of said bills, and ask their concurrence therein.

The bills from the Senate, entitled

“An act to legalize the survey of the town of Carthage;”

“An act authorizing the building of certain bridges, and changing certain appropriations;”

“An act concerning the town of Lynnville;” and

“An act to change the name of the town of Augusta, in Pike county;”

Were severally read a third time and passed.

*Ordered*, That the titles of said bills be as aforesaid, and that the Clerk inform the Senate of the passage thereof.

The engrossed bill, entitled “An act further to define the duties of justices of the peace and constables,” was read the third time.

Mr. George Smith moved to refer it to a select committee; which was not agreed to.

Mr. Baker moved to amend, by striking out the third, fifth, and sixth sections of the bill.

Mr. Smith of Wabash called for a division of the question, so as to take the vote separately on striking out the third section; when,

On motion of Mr. Webb of White,

The bill and amendment were laid on the table.

The engrossed bills, entitled

“An act concerning a State road in Wabash county;”

“An act to repeal an act to improve the navigation of the Big Vermilion;”

“An act to locate a State road from Napersville, in Cook county, to Indian creek, in McHenry county;” and

“An act declaring the Mauvaise-terre creek a navigable stream.”

Were severally read a third time, and passed.

*Ordered*, That the titles of the said bills be as aforesaid; that the Clerk inform the Senate of the passage thereof, and ask their concurrence therein

The engrossed bill, entitled “An act to provide for securing, to mechanics and others, liens for the value of labor and materials,” was read the third time.

The question was put—“Shall the bill pass?”



And decided in the affirmative, by yeas and nays, on the call of Messrs. Gouge and Edmonston, as follow:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Greene, Baker, Brown, Calhoun, Cloud, Compier, Copland, Crain, Cunningham, Daley, Dawson, Dunn, Edwards, Elkin, Emmerson, Ficklin, Fisk, French, Gilham, Gouge, Hankins, Happy, Hardin, Henry, Houston, Hull, Jarrott, Jones, Kercheval, Kerr, Lincoln, McCormick, McWilliams, Maus, Menard, Moore, Morgan, Naper, Otwell, Read, Roberts, Roman, Smith of Wabash, George Smith, R. Smith, Stapp, Thomas of McLean, Thornton, Walker of Vermilion, Webb of White, Williams and Mr. Speaker—53.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Franklin, Churchill, Craig, Edmonston, Elliott, Flood, Foster, Green of Clay, Green of Greene, Harris, Henderson, Holmes, Huey, Kent, Murphy of Vermilion, Pace, Philips, Rawalt, Walker of Fulton, Webb of Alexander, Wood, and Zimmerman—23.

*Ordered*, That the title of the bill be as aforesaid; that the Clerk inform the Senate of the passage thereof, and ask their concurrence therein.

Mr. Flood, from the committee on Enrolled Bills, reported that bills of the following titles were correctly enrolled, viz:

“An act to incorporate the Invincible Dragoons of the second division of Illinois militia;”

“An act for the relief of the securities of Thomas Moore;”

“An act to amend an act, entitled ‘An act to incorporate the Canton College of Illinois;’”

“An act to amend an act, entitled ‘An act authorizing a lottery to raise funds for the purpose of draining the ponds of the American bottom;’”

“An act to incorporate the Mississippi and Grand Tower Bridge Company;”

“An act to authorize Benjamin McKay and others to lay off additional lots in the town of Stephenson, in Rock Island county;”

“An act to vacate the plat of the town of Savannah, in Iroquois county;”

“An act supplemental to ‘An act to incorporate the Rushville Railroad Company,’ approved January 16, 1836;” and

“An act to amend an act, entitled ‘An act concerning judgments and executions,’ approved January 17, 1825.”

And then the House adjourned.

WEDNESDAY, FEBRUARY 6, 1839.

The House met pursuant to adjournment.

On motion of Mr. Philips,

Leave of absence was granted to Mr. Webb of White.

Mr. Elkin, from the committee on Enrolled Bills, reported, as correctly engrossed, bills of the following titles, viz:

“An act to authorize Samuel Hillon and Sylvanus Mason to build a mill-dam across Big Muddy river;”

"An act to incorporate the town of Hennepin;"

"An act to incorporate the Kankakee Manufacturing Company;"

"An act to incorporate the Centre Bridge Company at Ottawa;"

"An act to permanently locate the county seat of Mercer county;"

"An act to amend an act regulating the mode of trying the right of property;" and

"An act providing for the election of a public binder, and defining his duties."

Mr. Gouge presented a petition of citizens of Macon county, praying the passage of a law for the relief of John Mennary, late sheriff of that county; which, on his motion, was referred, without reading, to a select committee of five.

*Ordered*, That Messrs. Gouge, French, Fisk, Calhoun, and Hardin, be that committee.

Mr. Gouge presented a petition of certain citizens of Macon county, praying for the relocation of a State road therein named; which, on his motion, was referred, without reading, to the committee on State Roads.

Mr. Crain, from the committee on Engrossed Bills, reported, as correctly engrossed, the bill for "An act regulating the time of holding the circuit courts in the second judicial circuit."

Mr. Brown presented a petition of sundry citizens of Schuyler county, praying for the prohibition of the retail of ardent spirits; which, on his motion, was referred, without reading, to the committee on the Judiciary.

Mr. Emmerson presented a petition of sundry citizens of Edwards county, praying a relocation of a part of a State road therein named; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Emmerson, Dubois, and Philips, be that committee.

Mr. Hankins presented a petition of a number of citizens of Fayette county, praying a State road; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. Hankins, Huey, and Foster, be that committee.

Mr. Roman presented a petition of sundry citizens of St. Clair county, praying for the establishment of a ferry over the Mississippi at St. Louis; which, was read, and, on his motion, referred to the committee on the Judiciary.

Mr. McWilliams presented a petition of sundry citizens of Griggsville, praying for an appropriation on a turnpike road therein mentioned; which, on his motion, was referred, without reading, to a select committee.

*Ordered*, That Messrs. McWilliams, Kerr, and Brown, be that committee.

Mr. Webb of Alexander presented certain petitions of sundry inhabitants of Alexander county, praying for a State road; which, on his motion, were referred, without reading, to the same select committee to which were referred other petitions on the same subject.

On motion of Mr. Copland,

Two members were added to the said select committee.

*Ordered*, That Messrs. Webb of Alexander and Read be the additional members.

Mr. Fisk, from the committee on the Judiciary, to which was referred a bill for "An act to incorporate the Warsaw Marine and Fire Insurance Company," reported the same with an amendment; which was read and concurred in, and the bill, as amended,

*Ordered* to be engrossed for a third reading.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have passed bills of the following titles, viz:

"An act declaring the road from Jacksonville to Springfield a State road;"

"An act for the relief of Calhoun county;"

"An act to incorporate the La Salle Charity Hospital;"

"An act to resurvey the town of Mount Vernon;" and

"An act to change a part of the Grand View and Terre Haute road, in the county of Edgar."

In the passage of which several bills they ask the concurrence of the House of Representatives. And he withdrew.

Mr. Lyons, from the committee on Elections, reported a bill for "An act to authorize the administrator of William Webber, deceased, to convey certain real estate;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Thomas of McLean, from the committee on Elections, reported a bill for "An act to locate a State road from Bloomington to Lexington, in McLean county;" which was twice read, and,

On motion of Mr. Moore,

Referred to a select committee.

*Ordered*, That Messrs. Moore, Thomas of McLean, and Maus, be that committee.

Mr. Walker of Vermilion, from the committee on Finance, reported a bill for "An act to authorize the judge of the fourth judicial circuit to hold special terms of the circuit court;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Fisk, from the committee on the Judiciary, to which was referred the bill from the Senate, for "An act to legalize the sub-division of block thirty, in the school section addition to the town of Chicago," reported the same without amendment; and it was

*Ordered* to a third reading.

Mr. Lincoln, from the committee on Finance, reported a bill for "An act for the relief of the clerk of the circuit court of Sangamon county;" which was twice read, and,

On motion of Mr. Allen of Franklin,

Referred to a select committee.

*Ordered*, That Messrs. Allen of Franklin, Lincoln, and Hankins, be that committee.

Mr. Fisk, from the committee on the Judiciary, to which was referred the bill from the Senate, for "An act to amend an act, entitled 'An act relative to wills and testaments, executors and administrators, and the settlement of estates,' approved January 23, 1829," reported the same without amendment, and recommended its rejection.

The question was put—"Shall the bill be ordered to a third reading?" And decided in the negative.

Mr. Williams, from the committee on Finance, reported a bill for "An act to increase the capital of the State Bank of Illinois;" which was twice read, and,

On motion of Mr. McCutchen,

Referred to the committee on the Judiciary.

Mr. Moore, from the committee on Internal Improvements, to which was referred the bill from the Senate, for "An act to build a bridge across Fox river at Ottawa," reported the same with an amendment; which was read and concurred in, and the bill, as amended,

Ordered to a third reading.

Mr. Crain, from the committee on Education, to which was referred the bill from the Senate, for "An act establishing ferries on school lands, for the use of the inhabitants of townships," reported the same without amendment; and it was

Ordered to a third reading.

Mr. Roberts, from the select committee to which was referred a certain petition, reported a bill for "An act to locate a State road from the dividing line between the counties of Vermilion and Iroquois, at the point where the Butterfield trace crosses said line;" which was twice read, and,

On motion of Mr. Naper,

The last section was amended, by adding thereto the following proviso: "Provided, The county of Will shall not be compelled to pay any part of the expense of said road, without the county commissioners of Will county shall consent to pay the same."

The bill, as amended, was then

Ordered to be engrossed for a third reading.

A message from the Senate, by Mr. Harrison, a Senator:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that they have concurred with the House of Representatives in the passage of the bill for "An act to establish the counties of Menard, Logan, and Dane," as amended by them.

In which amendments they ask the concurrence of the House of Representatives. And he withdrew.

Mr. Rawalt, from the select committee to which was referred a certain petition, reported a bill for "An act to locate a State road from Ellisville to Appanoose;" which was read the first time, and

Ordered to a second reading; and,

On motion of Mr. Edmonston,

The rule of the House was dispensed with, the bill read the second time by its title, and referred to a select committee.

Ordered, That Messrs. Edmonston, Stapp, and Walker of Fulton, be that committee.

Mr. Stapp, from the select committee to which was referred the bill from the Senate, entitled "An act to locate a State road from the northern boundary of Warren county to Illinois city, in Rock Island county," reported the same with amendments; which were read and concurred in.

The bill was then

*Ordered* to a third reading as amended.

Mr. Crain, from the select committee to which was referred the bill, entitled "An act to incorporate agricultural societies," reported the same without amendment, and recommended its passage.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Crain, from the select committee to which was referred the bill from the Senate, entitled "An act to authorize the county commissioners' courts of the counties of Cook, Washington, and Clinton, to effect loans," reported the same without amendment, and recommended the passage of the bill.

The bill was then

*Ordered* to a third reading.

Mr. Kerr, from the select committee to which was referred the bill from the Senate, entitled "An act to relocate a part of the State road from Calhoun county to Schuyler county," reported the same with an amendment; which was read and concurred in.

The bill was then

*Ordered* to a third reading as amended.

Mr. Allen of Greene, from the select committee of seven, to which was referred the bill for "An act to distribute the school fund to the several counties in this State," reported the same with sundry amendments; which were read.

Mr. Dawson moved to lay the bill and amendments on the table; which was not agreed to, by yeas and nays, as follow, upon the call of Messrs. Edmonston and French, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Baker, Calhoun, Copland, Craig, Dawson, Edwards, Elkin, Gilham, Hardin, Henderson, Holmes, Jarrott, Kercheval, Lincoln, Marshall, Menard, Napier, Otwell, Pace, Philips, Rawalt, Stapp, Thomas of McLean, Walker of Fulton, Webb of Alexander, Williams, and Zimmerman—28.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Churchill, Cloud, Compher, Crain, Cunningham, Daley, Dubois, Dunn, Edmonston, Elliott, Emmerson, Ficklin, Fisk, Flood, French, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Henry, Houston, Huey, Hull, Jones, Kerr, Logan, Lyons, McMillan, McWilliams, Maus, Moore, Morgan, Murphy of Perry, Murphy of Vermilion, Roberts, Robinson, Roman, George Smith, Robert Smith, Thomas of St. Clair, Walker of Vermilion, Wood and Mr. Speaker—49.

Mr. Dawson moved to amend the report of the select committee, by adding the following, viz:

"Sec. Should any county refuse to draw its distributive share of said fund from the State treasury, it shall forever remain there to the credit of said county, and shall never thereafter be diminished, but shall remain a permanent school fund for said county, and receive the interest from the State treasury as is now provided by law;" which amendment was not adopted.

Mr. Craig moved to amend the report, by adding the following, viz:

"*Provided*, That when the census of 1845 shall be taken, the succeed-

ing Legislature thereafter shall make an equal distribution among all the counties, on the basis of their then population, as if no distribution of the school fund had ever been made; and if, by the present distribution bill, any county shall have received more than its distributive share, such county shall refund the same;" which motion to amend was rejected.

Mr. Williams moved to amend the report, by adding the following, viz:

"The said funds shall be sub-divided by the county school commissioners among the townships in their respective counties, in proportion to the number of inhabitants in each; and the trustees of townships shall again sub-divide the same amongst the inhabitants of each township, respectively, in equal amounts: *Provided*, The inhabitants of townships shall vote in favor of such distribution or sub-division:" which motion to amend was not agreed to.

Mr. Dawson moved to amend the report, by adding the following, viz:

"*Provided, however*, Said bonds shall not be sold for less than eight per cent. premium;" which amendment was not agreed to.

The report of the select committee was then concurred in.

Mr. Hardin moved to amend the bill, by adding the following, viz:

"The Bank of Illinois is hereby required to pay over to the commissioner of the school fund the dividends on \$100,000 of stock, which was paid into said bank under the provisions of a bill, entitled "An act concerning the surplus revenue;" and the State Bank is hereby required to pay over in like manner the dividends on \$235,600 of stock, which was paid into said bank under the provisions of the bill aforesaid; which said dividends shall be distributed as provided by the existing laws for the distribution of the interest on the school, college, and seminary funds;" and, pending that motion,

The House adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Edwards,

The rules were dispensed with, and the amendments of the Senate to the bill from the House of Representatives, "for "An act to establish the counties of Menard, Logan, and Dane," were taken up, and read.

On motion of Mr. Lincoln,

The amendment of the Senate to the fourth section was amended, by striking out the word "two," in the eighth line thereof, and inserting in its place the word "three."

The amendments of the Senate, as amended, were then concurred in.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence therein.

On motion of Mr. Henry,

The rules were further dispensed with.

Mr. Henry, from the select committee to which was referred the bill for "An act to establish the county of Scott," together with the objec-

tions of the Council of Revision thereto, reported the same with an amendment; which was read and concurred in.

The bill was then repassed, as amended.

*Ordered*, That the title of the bill be as aforesaid; that the Clerk carry the same as amended, together with the objections of the Council of Revision thereto, to the Senate, and ask their concurrence therein.

On motion of Mr. Fisk,

The rules were further dispensed with, and leave given him to introduce a bill for "An act providing for the temporary appointment of an attorney to prosecute in the second judicial circuit;" which was twice read, and

*Ordered* to be engrossed for a third reading.

On motion of Mr. Murphy of Vermilion,

The House resolved itself into a committee of the Whole, upon the bill for "An act concerning the public revenue;" and after some time spent therein, the Speaker resumed the chair, and Mr. Flood, their chairman, reported that the committee of the Whole House had, according to order, had said bill under consideration, had made some progress therein, and directed him to ask leave to sit again on said bill; which was granted.

On motion of Mr. Lincoln,

The vote taken on concurring in the amendments of the Senate, as amended by this House, to the bill, entitled "An act to establish the counties of Menard, Logan, and Dane," was reconsidered.

On the further motion of Mr. Lincoln,

The vote taken on the amendment to the amendments of the Senate to said bill was also reconsidered.

Mr. Lincoln then withdrew the amendment offered by him to-day; and,

On the further motion of Mr. Lincoln,

The amendments of the Senate to the fourth section of the bill were amended, by striking out all from the word "beginning" to the word "miles," both inclusive, and inserting the following:

"Beginning at the southwest corner of section three, in township seventeen north, of range six west; thence north four miles."

The amendments of the Senate, as amended by this House, were then concurred in.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence in the amendment of the House to the amendments of the Senate to said bills.

And then the House adjourned.

THURSDAY, FEBRUARY 7, 1839.

The House met pursuant to adjournment.

Mr. Cloud presented the petition of sundry citizens of Morgan county, praying the Legislature to repeal all laws authorizing the retailing of intoxicating liquors; which, without reading, was, on his motion, referred to the committee on the Judiciary.

Mr. Cloud presented the petition of sundry citizens of Macoupin county, praying the formation of a new county; which, without reading, was, on his motion, referred to the committee on Counties.

Mr. Murphy of Cook presented the petition of sundry citizens of Cook and McHenry counties, praying the location of a State road; which, without reading, was, on his motion, referred to the committee on State Roads.

Mr. Craig presented the petition of Joshua Vandruff, for a ferry across Rock river; which, without reading, was, on his motion, referred to a select committee.

*Ordered*, That Messrs. Craig, Kent and Stapp, be that committee.

Mr. Thomas of St. Clair presented the petition of 100 citizens of St. Clair county, praying the establishment of a ferry across the Mississippi river, opposite St. Louis; which, without reading, was, on his motion, referred to the committee on the Judiciary.

Mr. Bainbridge presented the petition of sundry citizens of Franklin county, praying a division of said county; which was read, and, on his motion, referred to the committee on Counties.

Mr. Allen of Franklin presented the remonstrance of sundry citizens of Franklin county, against a division of said county; which was read, and, on his motion, referred to the committee on Counties.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of a bill, entitled "An act to constitute the town of Manchester a justice's and constable's district," as amended by them; in which amendments they ask the concurrence of the House.

They have also concurred with the House in the passage of a bill, entitled "An act to change an appropriation heretofore made to Clinton county."

They have also passed a bill, entitled "An act to increase the corporate powers of the town of Liberty;" in the passage of which they ask the concurrence of the House of Representatives." And he withdrew.

Mr. Kent presented the petition of G. W. Brinkerhoff, praying for a ferry across Rock river, at Rockford; which, without reading, was, on his motion, referred to a select committee.

*Ordered*, That Messrs. Kent, Craig, and Henderson, be that committee.

Mr. Flood, from the committee on Enrolled Bills, reported that, on yesterday, bills of the following titles were laid before the Council of Revision, viz:

"An act to incorporate the Mississippi and Grand Tower Bridge Company;"

"An act for the relief of the securities of Thomas Moore;"

"An act to amend 'An act to incorporate the Canton College of Illinois;"

"An act to amend an act, entitled 'An act to authorize a lottery to raise funds for the purpose of draining the ponds of the American bottom;"

"An act to authorize Benjamin McKay and others to lay off additional lots in the town of Stephenson, in Rock Island;"

"An act to vacate the plat of the town of Savanna, in Iroquois county;"



"An act supplemental to 'An act to incorporate the Rushville Railroad Company, approved January 16, 1836;'"

"An act to amend an act, entitled 'An act concerning judgments and executions,' approved January 17, 1825;" and

"An act to incorporate the Invincible Dragoons of the second division of the Illinois militia."

Mr. Thornton presented the petition of sundry citizens of La Salle county, praying a certain piece of canal land to be brought into market; which, without reading, was, on his motion, referred to the committee on Canals and Canal Lands.

Mr. Thonton presented petitions from all parts of the State, praying a geological survey of this State; which, without reading, were, on his motion, referred to a select committee.

*Ordered*, That Messrs. Thornton, Williams, Maus, Webb of Alexander, Craig, Baker, and Marshall, be that committee.

Mr. French, from the committee on the Judiciary, reported a bill for "An act to amend an act to establish and maintain a general system of internal improvements, and to provide for the reduction of the number of Fund Commissioners and engineers in this State, and to define their duties;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Happy,

The rule of the House was dispensed with, and the bill read the second time by its title.

Mr. Naper moved to refer the bill to the committee on Internal Improvements.

Mr. Allen of Greene moved to refer it to the committee of the Whole House; which was agreed to.

A message from the Council of Revision, by Mr. McLean, their Secretary.

*Mr. Speaker*: The Council of Revision have approved bills of the following titles, viz:

"An act to amend an act, entitled 'An act concerning judgments and executions,' approved January 17, 1825;"

"An act to amend an act authorizing a lottery to raise funds for the purpose of draining the ponds of the American bottom;"

"An act supplemental to 'An act to incorporate the Rushville Railroad Company,' approved January 16, 1836;"

"An act to authorize Benjamin McKay and others to lay off additional lots in the town of Stephenson, in Rock Island county;"

"An act to amend an act to incorporate the Caledonia Railroad Company;"

"An act for the relief of the securities of Thomas Moore;"

"An act to incorporate the Mississippi and Grand Tower Bridge Company;" and

"An act to incorporate the Invincible Dragoons of the second division of the Illinois militia." And he withdrew.

Mr. Hardin, from the committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act to provide for the removal of the public offices to Springfield," reported the same with sundry amendments; which were read and concurred in.

Mr. Ficklin moved to amend the first section of the bill, by striking out "4th of July, 1839," and inserting "4th of July, 1840."

Mr. Henry moved to refer the bill and proposed amendments to a committee of the Whole House, and make them the special order of the day for to-morrow, at 2 o'clock P. M.; which was not agreed to.

The question recurring on the motion of Mr. Ficklin:

Mr. Happy called for a division of the question, so as to take the question first on striking out.

The question was then taken on striking out as proposed by Mr. Ficklin, and decided in the negative.

The bill was then

*Ordered* to a third reading as amended.

Mr. Ficklin, from the committee on Education, to which was referred the petition for an academy to be established at Picatonia, in Winnebago county, reported the same, and asked to be discharged from the further consideration of the same; which was granted.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred a bill for "An act to authorize the Board of Public Works to survey and construct the continuation of certain railroads within the State of Indiana," reported the same with sundry amendments; which were read; when,

On motion of Mr. Walker of Vermilion,

The bill and proposed amendments were referred to a select committee.

*Ordered*, That Messrs. Walker of Vermilion, Smith of Wabash, French, Archer, and Murphy of Vermilion, be that committee.

On motion of Mr. Fisk,

The rules were dispensed with, and the engrossed bill for "An act providing for the temporary appointment of an attorney to prosecute in the second judicial circuit," was read a third time and passed.

*Ordered*, That the title of the bill be as aforesaid; that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Fisk, from the committee on the Judiciary, to which was referred the bill for "An act to incorporate the Chicago Lyceum," reported the same without amendment; and it was

*Ordered* to be engrossed for a third reading.

Mr. Hardin, from the committee on the Judiciary, to which was referred the bill for "An act for the relief of J. H. C. Hanna," reported the same without amendment; and it was

*Ordered* to be engrossed for a third reading.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred a bill for "An act to incorporate the Warsaw Railroad Company," reported the same with amendments; which were read and concurred in, and the bill, as amended,

*Ordered* to be engrossed for a third reading.

Mr. Kercheval, from the committee on Canals and Canal Lands, reported a bill for "An act to incorporate the Des Plaines Steam-mill Company;" which was twice read, and, on his motion, referred to the committee on Manufactures and Agriculture.

Mr. Hardin, from the committee on the Judiciary, reported a bill for "An act for the relief of E. Tankersley;" which was read the first time.

On motion of Mr Happy,

The rule was dispensed with, and the bill read a second time by its title.

*Ordered* to be engrossed for a third reading.

Mr. Stapp, from the committee on Finance, reported a bill for "An act to amend 'An act to establish and maintain a general system of internal improvement;'" which was twice read.

Mr. Stapp moved to refer the bill to the committee on Internal Improvements.

Mr Craig moved to postpone it indefinitely.

The question was put on referring to the committee on Internal Improvements, and decided in the affirmative.

On motion of Mr. Henderson,

The bill for "An act to establish the county of Stark," laid on the table some days since, was taken up, with the amendments proposed thereto by the select committee.

On motion of Mr. Otwell,

The bill and amendments were referred to a select committee of five.

*Ordered*, That Messrs. Otwell, Jarrott, Dubois, Murphy of Vermilion, and Kercheval, be that committee.

And then the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Craig moved that the special order of the day be postponed for the purpose of taking up the bill for "An an act to relocate and build the penitentiary;" which was not agreed to.

A message from the Council of Revision was received, and is as follows, viz:

The Council of Revision have had under consideration "An act to vacate the plat of the town of Savannah, in Iroquois county," and return the same as improper to become a law; because, while it is not their desire to dispute the expediency of the passage of the act, if there are owners of property in this town, other than the original proprietors, they have necessarily acquired rights of which they cannot be divested by legislative action. As the Council have no evidence to the contrary, they think it a fair presumption that there are other owners than the original proprietors of the town; and they would respectfully suggest that the act should be so amended as not to interfere with rights thus acquired. The objects of the act can be accomplished by adding a proviso making the vacation of the town plat depend on the assent of such owners.

THOS. CARLIN,  
THOS. C. BROWNE,  
WM. WILSON,  
THEO'S. W SMITH.

On motion of Mr. Crain,

The special order of the day was postponed, and the engrossed bill for "An act regulating the time of holding the circuit courts in the second judicial circuit," was taken up and read a third time.

On motion of Mr. George Smith,

The first section of the bill was amended, so as to read, "in Madison county, on the first Monday in February, and on the Tuesday after the first Monday in August."

The bill, as amended, was then passed.

*Ordered*, That the title of the bill be as aforesaid; that the Clerk inform the Senate of the passage thereof, and ask their concurrence therein.

On motion of Mr. Stapp,

The House again resolved itself into a committee of the Whole on the bill for "An act concerning the public revenue;" and after after some time spent therein, the Speaker resumed the chair, and Mr. Flood, their chairman, reported that the committee had, according to order, had the same under consideration, made some progress therein, and directed him to ask leave to sit again; which was granted.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that the Senate have concurred with the House of Representatives in their amendment to the amendments of the Senate, to the bill from the House of Representatives, for "An act to establish the counties of Menard, Logan, and Dane."

They have refused to concur in the amendments of the House to the resolution of the Senate, appointing the 12th February, 1839, for the election of Canal Commissioners, &c.

They have concurred with the House of Representatives in the passage of the bill for "An act to relocate the seat of justice of Livingston county," as amended by them; in which amendment they ask the concurrence of the House of Representatives." And he withdrew.

Mr. Rawalt moved that the House adjourn.

Mr. Dawson moved that the House adjourn until 7 o'clock, P. M.; which was not agreed to:

And then the House adjourned.

## FRIDAY, FEBRUARY 8, 1839.

House met pursuant to adjournment.

The Speaker laid before the House a communication from the Fund Commissioners, in answer to a resolution calling for information as to the means of paying the interest on loans contracted for the purpose of carrying on the internal improvement system; which was read and referred;

On motion of Mr. Murphy of Perry,

To the committee on Internal Improvements.

The question pending when the House adjourned at noon on Wed.

Monday last, being on Mr. Hardin's motion to amend a bill for "An act to distribute the school fund to the several counties in this State," again coming up for consideration, the question was put on the adoption of the amendment, and decided in the negative.

Mr. Alexander moved to amend, by striking out the following part of section six:

"The said court shall have power, if, in their opinion, the public interest require the same, to remove the said school commissioner at any time, and appoint another;" which was not agreed to.

Mr. Rawalt moved to amend, by striking out "six months," and inserting "three months," in the sixth section; not agreed to.

On motion of Mr. George Smith,

The tenth section was amended, by striking out the word "treasurer," and inserting "assessor," in lieu thereof; the eleventh section, by striking out the word "treasurers," and inserting "assessor or assessors," in lieu thereof; and also, by striking out "treasurers," and inserting "assessors" in lieu thereof; and the thirteenth section, by inserting the word "assessor," after the word "county," and before the words "or township treasurer."

Mr. Williams moved to lay the bill on the table.

The question was taken thereon, by yeas and nays, on the call of Messrs. Murphy of Perry and Logan, and decided in the negative, as follows:

Those who voted in the affirmative, are,

Mr. Aldrich, Archer, Brown, Churchill, Craig, Dawson, Dubois, Edwards, Elkin, Gilham, Gouge, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Kent, Kercheval, Kerr, Lincoln, Lyons, McCutchen, Murphy of Cook, Naper, Otwell, Pace, Rawalt, Thornton, Walker of Fulton, Webb of Alexander, Williams, Wood, and Zimmerman—34.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Balhoun, Cloud, Compher, Copland, Crain, Daley, Dunn, Edmonston, Elliott, Emmerson, Ficklin, Fisk, Flood, French, Green of Greene, Happpy, Hankins, Harris, Houston, Huey, Johnson, Jones, Logan, McCormick, McMillan, McWilliams, Menard, Moore, Morgan, Murphy of Perry, Murphy of Vermilion, Philips, Read, Roberts, Robinson, Roman, George Smith, R. Smith, Stapp, Thomas of McLean, Thomas of Clair, Walker of Vermilion, and Mr. Speaker—47.

Mr. Williams moved to amend, by adding the following:

"*Provided*, That if a majority of the voters in the State shall vote in favor of making the school money a trust fund to be loaned in the several counties of this State, upon bond and mortgage, then the same shall not be distributed, but shall constitute a trust fund to be loaned out as aforesaid."

The question was put upon the adoption of the amendment, and decided in the negative, by yeas and nays, on the call of Messrs. Williams and Kercheval, as follows:

Those who voted in the affirmative, are,

Messrs. Aldrich, Brown, Churchill, Craig, Dawson, Edwards, Elkin, Gilham, Gouge, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Kent, Kercheval, Kerr, Lincoln, Lyons, McCutchen, Murphy of Cook

Murphy of Vermilion, Naper, Pace, Rawalt, Thomas of McLean, Thornton, Walker of Fulton, Webb of Alexander, Williams, Wood, and Zimmerman—33.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Calhoun, Cloud, Compher, Copland, Crain, Cunningham, Daley, Dubois, Dunn, Edmonston, Elliott, Emmerson, Ficklin, Fisk, Flood, Foster, French, Green of Greene, Hankins, Happy, Harris, Houston, Huey, Johnson, Jones, Logan, McCormick, McMillan, McWilliams, Menard, Moore, Morgan, Murphy of Perry, Philips, Read, Roberts, Robinson, Roman, George Smith, R. Smith, Stapp, Thomas of St. Clair, Walker of Vermilion, and Mr. Speaker—49.

Mr. Craig moved to amend, by adding, at the end of the bill, the following:

"The qualified voters in the several counties of this State shall, at the next August election, vote either for a distribution of the school fund as provided for in this act, or for placing the school fund in the several banks of this State, to constitute a part of the trust fund to be loaned on real estate security; the banks to guarantee eight per cent. interest to be distributed among the several counties, for the support of schools.

The question was put, on adopting the amendment, and decided in the negative, by yeas and nays, on the call of Messrs. Craig and Walker of Vermilion, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Brown, Churchill, Craig, Dawson, Dubois, Edward Elkin, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Kerr, Kercheval, Kerr, Lincoln, McCutchen, Murphy of Cook, Murphy of Vermilion, Naper, Pace, Philips, Thomas of McLean, Thornton, Walker of Fulton, Webb of Alexander, Williams, Wood, and Zimmerman—32.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Calhoun, Cloud, Compher, Copland, Crain, Cunningham, Daley, Dunn, Edmonston, Elliott, Emmerson, Ficklin, Fisk, Flood, Foster, French, Gouge, Green of Greene, Hankins, Happy, Harris, Houston, Huey, Johnson, Jones, Logan, Lyons, McCormick, McMillan, McWilliams, Maus, Menard, Moore, Morgan, Murphy of Perry, Rawalt, Read, Roberts, Robinson, Roman, Smith of Wabash, George Smith, R. Smith, Stapp, Thomas of St. Clair, Walker of Vermilion, and Mr. Speaker—52.

Mr. Hankins moved the previous question:

The question was taken—"Shall the main question be now put?"

And decided in the negative, by yeas and nays, on the call of Messrs. Dubois and Murphy of Cook, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Brown, Copland, Cunningham, Daley, Dawson, Edmonston, Edwards, Elkin, Emmerson, Ficklin, Fisk, Foster, Green of Greene, Hankins, Houston, Huey, Jarrott, Logan, McCormick,

Millan, McWilliams, Maus, Moore, Morgan, Pace, Rawalt, Roberts, Robinson, R. Smith, Walker of Vermilion, Williams, and Mr. Speaker—38.

Those who voted in the negative, are,  
Messrs. Calhoun, Churchill, Cloud, Compher, Craig, Crain, Dubois, Dunn, Elliott, Flood, French, Gilham, Happy, Hardin, Harris, Henderson, Henry, Holmes, Hull, Johnson, Jones, Kent, Kercheval, Kerr, Lytle, McCutchen, Menard, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Philips, Read, Roman, Smith of Wabash, Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Fulton, Webb of Alexander, Wood, and Zimmerman—45.

Mr. Henderson moved to amend, by striking out all between the words "ands," in line 8, and the word "for," in line 11, of the 5th section of the original bill, and inserting, in lieu thereof, the following:

Which money distributed among the counties, by this act, shall be apportioned in a fair proportion, so that each person shall be entitled to an equal distributive share, according to the number of qualified votes of such county, provided such person can give the necessary security; and, in case of failure, shall there be loaned to any one person more than fifty dollars, but that out of the money not taken by persons entitled to it, but who have failed or refused to do so."

Mr. Moore called for a division of the question, so as to take the vote separately on striking out.

The question was taken on striking out, and decided in the negative, yeas and nays, on the call of Messrs. Henderson and Williams, as follows, viz:

Those who voted in the affirmative, are,  
Messrs. Aldrich, Baker, Calhoun, Churchill, Copland, Craig, Pawson, Dubois, Edwards, Elkin, Gilham, Henderson, Henry, Holmes, Kent, Kercheval, Lincoln, Lyons, Marshall, Murphy of Cook, Pace, Thomas of McLean, Thornton, Walker of Fulton, Webb of Alexander, and Williams—26.

Those who voted in the negative, are,  
Messrs. Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Brown, Cloud, Compher, Crain, Cunningham, Daley, Edmondson, Elliott, Emmerson, Ficklin, Fisk, Flood, Foster, French, Gougeon, Green of Clay, Green of Greene, Hankins, Happy, Hardin, Harris, Johnston, Huey, Hull, Jarrott, Johnson, Jones, Kerr, Logan, McCutchen, McMillan, McWilliams, Maus, Menard, Moore, Morgan, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Philips, Rawalt, Read, Roberts, Robinson, Roman, Smith, of Wabash, G. Smith, R. Smith, Stapp, Thomas of St. Clair, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—60.

On motion of Mr. Churchill,  
The bill was amended, by adding, at the end thereof, the following:  
"If any of the counties shall by a vote determine not to take their proportion of the school fund, as provided in this act, they shall have the right to take the same at any time thereafter, when they shall determine to do so by a vote of a majority of the qualified voters at any regular election of such counties, in proportion to the number of white children under the age of twenty-one years at the time of such election."

On motion of Mr. Smith of Wabash,

The bill was further amended, by adding the following section:

"SEC. The trustees of schools in townships are hereby authorize and empowered to require of the treasurers heretofore appointed, and hereafter to be appointed by them, a renewal of their bonds, or an increase of the sureties thereon, whenever said trustees may deem the safety and judicious management of the funds, coming into the hands of such trustees, may make the same necessary; and also to remove said treasurers from office, and appoint successors, whenever the trustee may deem it expedient so to do."

On motion of Mr. Flood,

It was further amended, by striking out the word "secretary," in the 13th section, and inserting "auditor" in lieu thereof.

Mr. Hardin moved to strike out the 15th section.

The vote was taken thereon, by yeas and nays, on the call of Messrs. Dawson and Otwell, and decided in the negative, as follow, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Baker, Craig, Dawson, Dubois, Edwards, Elkin, Graham, Gouge, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Kercheval, Kerr, Lyons, McCutchen, Murphy of Cook, Murphy of Vermilion, Naper, Otwell, Pace, Rawalt, Stapp, Thomas of McLean, Thomas of St. Clair, Thornton, Webb of Alexander, Williams, and Zimmerman—33.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Brown, Calhoun, Churchill, Cloud, Compher, Copland, Cunningham, Daley, Edmonston, Elliott, Emmerson, Ficklin, Fisk, Flood, Foster, French, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Huey, Johnson, Jones, Logan, McMillan, McWilliams, Maus, Moore, Morgan, Murphy of Perry, Read, Roberts, Robinson, Roman, Smith of Wabash, G. Smith, R. Smith, Walker of Vermilion, Wood, and Mr. Speaker—48.

Mr. Johnson moved to amend, by adding to the last section the following:

"Or shall have power to make bank stock of the same at any time provided a majority of the qualified voters of said county shall express their wish, at any election;" which was not agreed to.

The question was then put—"Shall the bill be engrossed as amended"

And decided in the affirmative, by yeas and nays, on the call of Messrs. Murphy of Cook and Craig.

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Brown, Calhoun, Churchill, Cloud, Compher, Copland, Cunningham, Daley, Dubois, Dunn, Edmonston, Elliott, Emmerson, Ficklin, Fisk, Flood, Foster, French, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Huey, Hull, Johnston, Jones, Ker Logan, McMillan, McWilliams, Maus, Moore, Morgan, Murphy of Perry, Murphy of Vermilion, Read, Roberts, Robinson, Roman, Smith of Wabash, G. Smith, R. Smith, Stapp, Thomas of St. Clair, Walker of Vermilion, and Mr. Speaker—54.



Those who voted in the negative, are,

Messrs. Aldrich, Baker, Craig, Dawson, Edwards, Elkin, Gilham, Gouge, Hardin, Henderson, Henry, Holmes, Jarrott, Kent, Kercheval, Lyons, McCutchen, Murphy of Cook, Naper, Otwell, Pace, Rawalt, Thomas of McLean, Thornton, Walker of Fulton, Webb of Alexander, Williams, Wood, and Zimmerman—29.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have passed bills of the following titles, viz:

"An act to provide for a loan for canal purposes;"

"An act to provide for selling water-lots and privileges on the Illinois and Michigan canal;"

"An act to amend an act, approved March 1, 1833, entitled 'An act for the relief of the poor;'"

"An act to incorporate the Kaskaskia Insurance Company;"

"An act to locate a certain road therein named;"

"An act to authorize the county commissioners of Peoria county to change a certain State road;"

"An act to amend the act incorporating the New Canton and Piketon Railroad Company;"

"An act respecting section 16, in township 2 south, in range 14 west, in Edwards county;"

"An act to incorporate Kane college;"

"An act supplemental to an act prescribing the mode of trying the right of property;"

"An act relating to service of process against corporations;"

"An act to amend 'An act to provide for the taking of the census or enumeration of the inhabitants of the State,' approved January 13, 1829;"

"An act to amend an act, entitled 'An act to incorporate the Jo Daviess Marine and Fire Insurance Company;'"

"An act to amend an act, entitled 'An act to locate a State road from Indiana line northwest in a direction to Mineral Point;'"

"An act to locate a State road therein named;"

"An act authorizing the building a bridge across the Des Plaines river;"

"An act to incorporate the Union Agricultural Society;"

"An act to incorporate the Shawneetown Academy, in Gallatin county;"

"An act to authorize the Governor to commission the sheriff of Schuyler county;"

"An act to amend the several laws in relation to the Illinois and Michigan canal;"

"An act to define the manner of proceeding in petitioning the General Assembly for locating or altering State roads;"

"An act in addition to the several acts authorizing and regulating the sale of school lands;" and

"An act to authorize A. & S. S. Phelps to establish a ferry across the Mississippi river, at the town of Oquawka."

In the passage of which several bills they ask the concurrence of the House of Representatives.

They have concurred with the House in the passage of bills of the following titles, viz:

"An act to legalize the sale of section 16, in township 9 north, range 2 east, in Knox county;"

"An act to legalize the acts of John Simpson, a justice of the peace in Johnson county;"

"An act in relation to the records of Johnson county."

"An act to authorize the county commissioners of Bond county to loan certain funds therein mentioned;"

"An act to authorize Reuben and Sullivan L. Haines to raise a mill-dam across the Mackinaw river;"

"An act to amend 'An act concerning the right of way, and for other purposes;'"

"An act to change an appropriation made to the county of Lawrence;"

"An act to authorize the relocation of part of the State road leading from Stephenson to the mouth of Pickatonica;"

"An act to incorporate the Hanover Academy;" and

"An act to change the name of the town of Fairfield, in Adams county."

They have also concurred with them in the passage of a bill for "An act to incorporate the Warsaw University of Illinois," as amended by them; in which amendments they ask the concurrence of the House.

They refuse to concur with the House in the passage of the bill for "An act to sell the property of Eliakim Russell."

And he withdrew.

Mr. Flood, from the committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles, viz:

"An act to amend 'An act forming an additional justice's district in the county of Randolph;'"

"An act for the relief of the inhabitants of township numbered 2 south, range 8 east, in Wayne county;"

"An act to change a certain State road in Morgan county;"

"An act to change the name of the town of Charleston, in the county of Kane, to that of St. Charles;"

"An act in relation to garnishees;"

"An act for the relief of the heirs of John Thompson, deceased;" and

"An act to create the county of Du Page."

And then the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Crain, from the committee on Engrossed Bills, reported, as correctly engrossed, bills of the following titles, viz:

"An act to incorporate the Embarrass River Navigation Company;"

"An act declaring the Des Plaines river a navigable stream;" and

"An act to incorporate the town of Lacon, in Marshall county."

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have laid on the table, until 4th day of July

next, the bill from the House, entitled "An act authorizing patents to be recorded, and certain copies to be read in evidence."

They refuse to read a third time the bill from the House, entitled "An act for the relief of settlers upon the public lands."

They have concurred with the House in the passage of bills, entitled "An act regulating evidence in certain cases;" and "An act to authorize Henry W. Cleaveland to build a toll-bridge across the Winnebago swamp," as respectively amended by them; in which amendments they ask the concurrence of the House.

They have also concurred with the House in the passage of the bill for "An act to vacate certain alleys in the town of Tremont," as amended by them.

They also amend the title of said bill, so as to read "An act to provide for the vacation of town plats, and for other purposes;" in which amendment to said bill and title they ask the concurrence of the House.

They have likewise concurred with the House in the passage of the bill for "An act supplemental to an act, entitled 'An act to regulate the action of replevin,' approved January 29th, 1827."

And then he withdrew.

Mr. Pace moved to postpone the special order, and take up the general order of the day; which was not agreed to.

On motion of Mr. Stapp,

The House again resolved itself into a committee of the Whole House on the bill for "An act concerning the public revenue;" and after some time spent therein, the Speaker resumed the chair, and Mr. Flood, their chairman, reported that the committee of the Whole had, according to order, had again said bill under consideration, made further progress therein, and had directed him to ask leave to sit again on said bill; which was granted.

On motion of Mr. Walker of Vermilion,

*Resolved*, That the use of this hall be tendered to Dr. Parnell, this evening, for the purpose of delivering a lecture on education.

And then the House adjourned.

## SATURDAY, FEBRUARY 9, 1839.

House met pursuant to adjournment.

On motion of Mr. Edwards,

The rules were dispensed with, and the general orders of the day taken up.

The bills from the Senate, entitled

"An act to vacate the survey and plat of the sub-division of block forty-one in the town of Monmouth;"

"An act to establish a State road from Beardstown to Manchester;"

"An act for the relief of the Judge of the sixth judicial circuit of the State of Illinois;"

"An act supplemental to an act, entitled 'An act to erect certain bridges,' approved January 22, 1831;"

"An act to incorporate the Central Seminary of Illinois;"

"An act to authorize Philip Jarboe and Harvey M. Jarboe to establish a ferry across the Illinois river;"

"An act to incorporate the Edwardsville Steam-mill Company;"

"An act making an appropriation to enclose the graves of deceased State officers, in the town of Vandalia;"

"An act to amend 'An act concerning justices of the peace and constables,' approved February 3, 1827;"

"An act of incorporation for the Upper Alton Manufacturing Company;"

"An act appointing an additional notary public for the county of Hancock;"

"An act laying out a State road in Alexander county;"

"An act to incorporate New Haven, in Gallatin and White counties;"

"An act to authorize the county commissioners' court of Randolph county to change and alter State roads in said county;"

"An act to amend the several acts incorporating the town of Galena;" and

"An act to relocate part of a State road in Franklin county;"

Were severally read a third time, and passed.

*Ordered*, That the titles of the same be as aforesaid, and that the Clerk inform the Senate of the concurrence of the House of Representatives in the passage thereof.

The bills from the Senate, entitled

"An act providing for the improvement of certain roads in Edgar county;"

"An act to incorporate the Mount Vernon Academy;"

"An act to amend an act, entitled 'An act regulating elections,' in force June 1, 1829;"

Were read a third time, as amended, and passed.

*Ordered*, That the titles of the same be as aforesaid, that the Clerk inform the Senate of the concurrence of the House of Representatives in the passage thereof, as amended, and ask the concurrence of the Senate in said amendments.

The bill from the Senate, entitled "An act to provide for the appointment of additional judges of election in Coles county," was read a third time, as amended, and passed.

On motion of Mr. Edmonston,

The title of the bill was amended, by adding the words "and other counties."

*Ordered*, That the title of the bill be as amended, that the Clerk inform the Senate thereof, and ask their concurrence in the amendments of the House to the said bill and the title thereof.

The bill from the Senate, entitled "An act to change the name of the town of Savanna," was read a third time and passed.

On motion of Mr. Craig,

The title thereof was amended, by adding the words "in the county of Warren."

*Ordered*, That the title of the bill be as amended, that the Clerk inform the Senate thereof, and ask their concurrence in the amendment of the House to the title of said bill.

The bill from the Senate, entitled "An act to prohibit betting on elections," was read the third time.

The question—"Shall the bill pass?" was decided in the affirmative, by yeas and nays, on the call of Messrs. Calhoun and Edmonston, as follow:

Those who voted in the affirmative, are,

Messrs. Bainbridge, Brown, Churchill, Cloud, Compher, Craig, Dawson, Dubois, Edwards, Elkin, Elliott, Emmerson, Foster, Gilham, Gouge, Hardin, Henderson, Henry, Holmes, Houston, Huey, Hull, Jarrott, Johnson, Jones, Kerr, Lincoln, Logan, McCormick, McCutchen, McMillan, Moore, Murphy of Perry, Otwell, Rawalt, Roberts, Smith of Wabash, George Smith, Robert Smith, Stapp, Thomas of McLean, Thornton, Walker of Vermilion, Webb of Alexander, Williams, and Mr. Speaker—46.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Archer, Calhoun, Copland, Crain, Cunningham, Daley, Dunn, Edmonston, Ficklin, Fisk, Flood, French, Green of Clay, Green of Greene, Hankins, Harris, Kercheval, Lyons, McWilliams, Maus, Menard, Morgan, Murphy of Cook, Naper, Pace, Philips, Read, Robinson, Roman, Thomas of St. Clair, Walker of Fulton, and Zimmerman—35.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

The bill from the Senate, entitled "An act regulating the salaries of the Judges of the Supreme Court," was read a third time.

The question was put—"Shall the bill pass?"

And decided in the negative, by yeas and nays, on the call of Messrs. Henry and Read, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Greene, Archer, Baker, Bainbridge, Calhoun, Churchill, Craig, Cunningham, Daley, Dawson, Dubois, Edwards, Ficklin, Flood, Gouge, Green of Clay, Green of Greene, Hankins, Hardin, Henderson, Huey, Johnson, Jones, Kent, Kercheval, Kerr, Lincoln, Lyons, McCormick, Menard, Murphy of Cook, Naper, Philips, Roberts, Smith of Wabash, Thomas of McLean, Thornton, Webb of Alexander, Williams, and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Brown, Cloud, Compher, Copland, Crain, Dunn, Edmonston, Elkin, Elliott, Emmerson, Fisk, Foster, French, Gilham, Happy, Harris, Henry, Holmes, Houston, Hull, Jarrott, Logan, McCutchen, McMillan, McWilliams, Moore, Morgan, Murphy of Perry, Otwell, Pace, Rawalt, Read, Robinson, Roman, George Smith, Robert Smith, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Wood, and Zimmerman—43.

On motion of Mr. Walker of Vermilion,

The vote just taken was reconsidered.

Mr. George Smith moved to refer the bill to the committee on the Judiciary; not agreed to.

The question was again put—"Shall the bill pass?"

And decided in the affirmative, by yeas and nays, as follow, on the call of Messrs. Pace, and Edmonston:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Greene, Archer, Baker, Bainbridge, Calhoun, Churchill, Craig, Cunningham, Daley, Dawson, Dubois, Edwards, Elliott, Ficklin, Flood, Gouge, Green of Clay, Green of Greene, Hankins, Hardin, Henderson, Huey, Johnson, Jones, Kent, Kercheval, Kerr, Lincoln, Lyons, McCormick, McCutchen, Marshall, Maus, Menard, Murphy of Cook, Naper, Philips, Roberts, Smith of Wabash, Stapp, Thomas of McLean, Thornton, Walker of Vermilion, Webb of Alexander, Williams, and Mr. Speaker—47.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Brown, Cloud, Compher, Copland, Crain, Dunn, Edmonston, Elkin, Emmerson, Fisk, Foster, French, Gilham, Happy, Harris, Henry, Holmes, Houston, Hull, Jarrott, Logan, McMillan, McWilliams, Moore, Morgan, Murphy of Perry, Otwell, Pace, Rawalt, Read, Robinson, Roman, George Smith, Robert Smith, Thomas of St. Clair, Walker of Fulton, Wood, and Zimmerman—40.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the concurrence of the House in the passage thereof.

The engrossed bill, entitled "An act the more effectually to apprehend horse thieves," was read a third time.

The question was put—"Shall the bill pass?"

And decided in the negative, by yeas and nays, on the call of Messrs. Bainbridge and Huey, as follow:

Those who voted in the affirmative, are,

Messrs. Allen of Greene, Archer, Bainbridge, Brown, Churchill, Copland, Crain, Dawson, Dubois, Dunn, Emmerson, Foster, Green of Greene, Hardin, Henderson, Houston, Johnson, Kent, Lincoln, Lyons, McCormick, McMillan, Maus, George Smith, Stapp, Webb of Alexander, Williams, and Zimmerman—28.

Those who voted in the negative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Compher, Craig, Cunningham, Daley, Edmonston, Edwards, Elliott, Ficklin, Fisk, Flood, French, Gilham, Gouge, Green of Clay, Hankins, Harris, Henry, Huey, Hull, Jarrott, Jones, Kercheval, Kerr, Logan, McCutchen, McWilliams, Menard, Moore, Morgan, Murphy of Cook, Murphy of Perry, Naper, Otwell, Pace, Philips, Rawalt, Read, Roberts, Robinson, Roman, Smith of Wabash, Robert Smith, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Fulton, Walker of Vermilion, and Mr. Speaker—51.

The engrossed bills, entitled "An act to change a part of a State road therein named;"

"An act to incorporate the Des Moines Rapids Railroad Company;"

"An act to add range one to the counties of Marshall and Putnam;"

"An act to review and relocate a part of the State road leading from Springfield to Decatur;"

"An act to incorporate the Genesee Manual Labor High School;"

"An act to extend the jurisdiction of justices of the peace;"

"An act to provide for the probate of wills in certain cases;"

"An act to incorporate the Wapello Manufacturing Company;"

"An act to locate and establish certain State roads in Peoria and Knox counties;"

"An act concerning the road from Warsaw to Quincy;"

"An act to authorize Anzi Doolittle to keep a ferry across the Mississippi river;"

"An act supplemental to 'An act to authorize Ezra Baker, jr. to erect a mill-dam near Coffee island, on the Great Wabash river;'"

"An act to extend the corporate powers of the town of Pekin;"

"An act to authorize the clerk of the Madison circuit court to procure the rebinding of certain records;"

"An act to amend the several laws in this State regulating elections;" and

"An act to locate a State road from Jonesboro, in Union county, to William T. Ryburn's, in Franklin county;"

Were severally read a third time, and passed.

*Ordered*, That the titles of the same be as aforesaid, that the Clerk inform the Senate thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act to change the name of the town of Mechanicsburg," was read a third time and passed.

On motion of Mr. Elkin,

The title thereof was amended, by adding the words "in St. Clair county."

*Ordered*, That the title be as amended, that the Clerk inform the Senate thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act to regulate interest on Auditor's warrants," was read a third time.

The question was put—"Shall the bill pass?"

And decided in the affirmative, by yeas and nays, as follow, upon the call of Messrs. Dubois and Hankins:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Greene, Archer, Baker, Bainbridge, Brown, Calhoun, Copland, Craig, Dawson, Edwards, Elkin, Emerson, Flood, Gilham, Gouge, Green of Greene, Hardin, Henderson, Holmes, Houston, Huey, Hull, Jarrott, Jones, Kent, Kercheval, Kerr, Lincoln, Logan, McCormick, McCutchen, McWilliams, Morgan, Naper, Otwell, Pace, Philips, Rawalt, Roberts, George Smith, Robert Smith, Thomas of McLean, Thornton, Webb of Alexander, Williams, and Zimmerman—48.

Those who voted in the negative, are,

Messrs. Allen of Franklin, Churchill, Compher, Crain, Cunningham, Dubois, Dunn, Edmonston, Elliott, Ficklin, Foster, French, Hankins, Harris, Henry, Johnson, Lyons, McMillan, Maus, Menard, Moore, Murphy of Cook, Read, Robinson, Roman, Smith of Wabash, Stapp, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Wood, and Mr. Speaker—32.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Flood, from the committee on Enrolled Bills, reported, as correctly enrolled, the bill, entitled "An act to provide for certain improvements in Pike county;"

And also, a resolution directing the enrolling Clerks of the two Houses to make a sufficient number of copies of all memorials and resolutions, intended to be transmitted to Congress, &c.

Mr. Read moved that the House adjourn until 2 o'clock, P. M.  
 Mr. Happy moved that the House adjourn; which was not agreed to.  
 And then the House adjourned until 2 o'clock, P. M.

### TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Elkin,

The House resolved itself into a committee of the Whole, upon the bill for "An act concerning the public revenue;" and after some time spent therein, the Speaker resumed the chair, and Mr. Flood, their chairman, reported that the committee had, according to order, had said bill under consideration, and made sundry amendments thereto, and asked the concurrence of the House therein.

And then the House adjourned.

### MONDAY, FEBRUARY 11, 1839.

House met pursuant to adjournment.

Mr. Flood, from the committee on Enrolled Bills, reported that, on Saturday last, bills of the following titles were laid before the Council of Revision, viz:

"An act to amend an act, entitled 'An act forming an additional justice's district in the county of Randolph;'"

"An act for the relief of the inhabitants of the township numbered two south, range eight east, in Wayne county;"

"An act to change a certain State road in Morgan county;"

"An act to change the name of the town of Charleston, in the county Kane, to that of St. Charles;"

"An act in relation to garnishees;"

"An act for the relief of the heirs of John Thompson, deceased;"

"An act to create the county of Du Page;" and

"An act to provide for certain improvements in Pike county."

Mr. Crain, from the committee on Engrossed Bills, reported, as correctly engrossed, bills of the following titles:

"An act to incorporate agricultural societies;"

"An act to locate a State road from the dividing line between the counties of Vermilion and Iroquois, at the point where the Butterfield trace crosses said line;"

"An act to incorporate the Chicago Lyceum;"

"An act to authorize the judge of the fourth judicial circuit to hold special terms of the circuit court;"

"An act to authorize the administrators of William T. Wilber, deceased, to convey certain real estate;"

"An act to incorporate the Warsaw Marine and Fire Insurance Company;" and

"An act for the relief of J. H. C. Hanna."



Mr. Calhoun moved to dispense with the rules, and to take up the message from the Senate relative to the resolution appointing a day for the election of Canal Commissioners, &c.; which was not agreed to.

Mr. Cloud presented a petition from Macoupin county, for a division of said county; which was referred, without reading, on his motion, to the committee on Counties.

Mr. Rawalt presented a petition of sundry citizens of Fulton county, praying for an act to incorporate a Mutual Fire Insurance Company; which was referred, on his motion, without reading, to the committee on Finance.

Mr. Rawalt presented a petition signed by 150 ladies and gentlemen of the county of Fulton, praying the repeal of all laws authorizing the retail of spirituous liquors; which was referred, on his motion, without reading, to the committee on the Judiciary.

Mr. Otwell presented a petition on the same subject, from sundry citizens of Madison county; which was referred, on his motion, without reading, to the same committee.

Mr. Williams presented petitions on the same subject, from many inhabitants, male and female, of Adams county; which were referred, on his motion, without reading, to the same committee.

Mr. Edmonston presented a remonstrance of sundry citizens of Schuyler and McDonough counties, against any change in a State road therein named; which was referred, without reading, on his motion, to the committee on State Roads.

Mr. Archer presented a petition of sundry citizens of Clark county, praying for an alteration in the State road from York to Martinsville; which was referred, without reading, on his motion, to the committee on State Roads.

Mr. Pace presented a petition of sundry citizens of Washington county, for a change of part of the State road from Mt. Vernon to Nashville; which was referred, without reading, on his motion, to the same select committee to which was referred a bill on the same subject.

Mr. Hull presented a petition of sundry citizens of Tazewell county, praying for a change in a State road therein named; which was referred, on his motion, without reading, to a select committee.

*Ordered*, That Messrs. Hull, Brown, and Zimmerman, be that committee.

Mr. Hull presented remonstrances, signed by 717 citizens and voters of Tazewell county, against any division of said county; which were referred, without reading, on his motion, to the committee on Counties.

Mr. Maus presented the petition of 317 citizens of Tazewell county, praying for a division of said county; which was referred, without reading, on his motion, to the same committee.

Mr. Thomas of McLean presented a petition of many citizens of McLean and Tazewell counties, for the establishment of a new county; which was referred, without reading, on his motion, to the same committee.

Mr. Kent presented a petition of sundry citizens of Winnebago county, for a State road from the mouth of Kiskewaka to Freeport, in Stephenson county; which was referred, on his motion, without reading, to the committee on State Roads.

Mr. Kent presented a petition of sundry citizens of Winnebago, Ogle, La Salle, and De Kalb counties, praying for a new county, and for other relief; which was read, and, on his motion, referred to the committee on Counties.

Mr. Kent presented a petition of Luther H. Bowen, for a ferry across the Mississippi river at Savannah, in the county of Carroll; which was referred, without reading, on his motion, to a select committee.

*Ordered*, That Messrs. Kent, Bainbridge, and Kercheval, be that committee.

On motion of Mr. Holmes,

The committee on Counties was discharged from the further consideration of certain petitions referred to them, relative to the county seat of the county of Cass, and leave granted him to withdraw them.

Mr. Roman presented a petition of sundry citizens of Monroe county, praying the establishment of a ferry over the Mississippi river, opposite St. Louis, which was read, and referred, on his motion, to the committee on the Judiciary.

Mr. Maus presented a petition of sundry citizens of Tazewell county, praying a division of said county; which was referred, on his motion, without reading, to the committee on Counties.

A message from the Senate, by Mr. Thomas, a Senator.

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have passed bills of the following titles:

"An act making an appropriation for a library for the use of the Legislature and Supreme Court;"

"An act dividing the State into judicial circuits;"

"An act to establish a State road from Rushville, in Schuyler county, to Pittsfield, in Pike county;"

"An act concerning a State road in the county of Fulton;" and,

"An act to establish a State road from Mount Sterling, via La Grange, Arenz's mills, and Princeton, to Springfield."

In the passage of which they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in the passage of bills of the following titles:

"An act to incorporate the Elgin Academy;" and "An act to vacate the town plat of the town of Auburn."

They have concurred with the House of Representatives in the passage of a bill, entitled "An act to regulate public carriages and the law of the road," as amended by them; in which amendments they ask the concurrence of the House of Representatives.

They have adopted the following resolution:

*Resolved by the Senate*, (the House of Representatives concurring herein,) That for the purpose of ascertaining the best mode of improving the navigation of the Embarrass river, and the probable cost thereof, the Board of Commissioners of Public Works be, and they are hereby, required to cause a survey and examination of said river, from its mouth up to Norfolk's mills in Coles county, and make a report thereof to the next General Assembly of this State.

In the adoption of which they ask the concurrence of the House of Representatives. And he withdrew.

Mr. Jarrott presented a remonstrance of sundry citizens of St. Clair county, against the chartering a railroad company therein named; which was referred, without reading, on his motion, to the committee on the Judiciary.

Mr. Kercheval presented a petition from sundry inhabitants of Cook, Will, and McHenry counties, praying for a division of the seventh judicial circuit; which was referred, without reading, on his motion, to the committee on the Judiciary.

Mr. Kercheval presented petitions of sundry male citizens of Cook county, praying for the repeal of all laws licensing the retail of intoxicating liquors; which were referred, without reading, on his motion, to the committee on the Judiciary.

Mr. Kercheval presented a petition of sundry citizens of Cook county, praying they may be set off to Kane county; which was referred, without reading, on his motion, to the committee on Counties.

Mr. Roman presented sundry petitions from St. Clair county, praying the establishment of a ferry, and the incorporation of the Pittsburg and Mississippi Railroad Company; which was referred, without reading, on his motion, to the committee on the Judiciary.

Mr. Lincoln, from the committee on Counties, reported a bill for "An act to amend the law in relation to sheriffs and coroners;" which was twice read.

Mr. Crain moved to refer the bill to a select committee; which was not agreed to.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Elkin, from the committee on Engrossed Bills, reported, as correctly engrossed, bills, entitled

"An act to incorporate the Warsaw Railroad Company;"

"An act to incorporate the Mount Carmel Manufacturing Company;"

"An act to distribute the school fund to the several counties in this State;"

"An act to construct bridges across the Kaskaskia and Embarrass rivers, at or near the points where the Springfield trace crosses said streams, and for other purposes;" and

"An act for the relief of E. Tankersley."

Mr. Walker of Vermilion, from the committee on Finance, to which was referred a certain petition, reported a bill for "An act for the relief of the poor of La Salle county;" which was twice read, and, on his motion, referred to the committee on Canals and Canal Lands.

Mr. Ficklin, from the committee on Education, to which was referred the petition of sundry citizens of Bureau county, on the subject of education, reported the same, and asked to be discharged from the further consideration of the subject; which was granted.

Mr. Ficklin, from the committee on the Judiciary, to which was referred a certain resolution, reported a bill for "An act to amend an act concerning special bail;" which was read the first time, and

*Ordered* to a second reading.

Mr. Alexander, from the committee on Public Buildings and Public Grounds, reported a bill for "An act to authorize the commissioners of

Crawford county to appoint persons to locate a certain road therein named;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. McWilliams, from the committee on Education, to which was referred the petition of Asahel Hannum, of Putnam county, on the subject of education, reported the same, and asked to be discharged from the further consideration of the subject; which was granted.

Mr. Moore, from the committee on Counties, to which was referred the petition of sundry citizens of Sangamon and Tazewell counties, praying the formation of a new county, to be called Mason, reported against the prayer of the petitioners, and asked to be discharged from the further consideration of said petition; which was agreed to.

On motion of Mr. Maus,

Leave was given him to withdraw said petition.

Mr. Walker of Vermilion, from the committee on Finance, reported a bill for "An act to incorporate the Chicago and Danville Railroad Company;" which was twice read, and, on his motion, referred to a select committee.

*Ordered*, That Messrs. Kercheval, Walker of Vermilion, and Dubois, be that committee.

Mr. Jarrott, from the committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act to incorporate the Chester Insurance Company," reported the same with an amendment; which was read and concurred in.

The bill was then

*Ordered* to a third reading, as amended.

Mr. Roman, from the committee on Education, to which was referred the bill from the Senate, entitled "An act to incorporate the German Library Society of St. Clair county," reported the same with amendments; which were read and concurred in.

The bill was then

*Ordered* to a third reading, as amended.

Mr. Archer, from the committee on State Roads, to which were referred the petition for a relocation of a part of the State road between Lebanon and Wiggins' ferry, a remonstrance against the same, and a bill for "An act to authorize the county commissioners' court of St. Clair county to change State roads in said county," reported the same back, and recommended the passage of said bill.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Craig, from the select committee to which was referred a certain petition, reported a bill for "An act to authorize Joshua Vandruff to establish a ferry across Rock river, at Vandruff's island;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. McCutchen, from the committee on the Judiciary, to which was referred the bill for "An act supplemental to an act, entitled 'An act to amend an act for the limitation of actions, and for avoiding vexatious law suits,'" with the amendments of the Senate thereto, reported the same without amendment.

The amendment of the Senate to said bill was then concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Craig, from the select committee to which was referred a certain petition, reported a bill for "An act for the benefit of John W. Spencer and David B. Sears, in Rock Island county;" which was twice read, and

*Ordered* to be engrossed for a third reading.

A message from the Council of Revision was received, by Mr. McLean, their Secretary, announcing the approval of bills, entitled

"An act to amend an act, entitled 'An act to incorporate the Canton College of Illinois;'"

"An act to change a certain State road in Morgan county;"

"An act for the relief of the inhabitants of township numbered two south, range eight east, in Wayne county;"

"An act for the relief of the heirs of John Thompson, deceased;"

"An act to create the county of Du Page;" and

"An act to change the name of the town of Charleston, in the county of Kane, to that of St. Charles."

Mr. Lyons, from the select committee to which was referred the bill from the Senate for "An act authorizing the location of a State road through parts of Vermilion and Champaign counties," reported the same with an amendment; which was read and concurred in, and the bill, as amended,

*Ordered* to a third reading.

Mr. Dubois, from the select committee to which was referred the bill for "An act to establish the county of Stark," together with the amendments of a previous select committee thereto, reported the same with certain other amendments, and recommended the adoption of the bill, and all amendments thereto.

Mr. Moore called for a division of the question, so as to take the vote separately on the amendments to the third and sixth sections.

The question was then taken on adopting the amendments to the third and sixth sections, and decided in the affirmative.

The question was then taken on adopting the remaining amendment, viz: the additional section number ten, and decided in the affirmative, by yeas and nays, on the call of Messrs. Compher and Hankins, as follow:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Greene, Archer, Bainbridge, Churchill, Cloud, Copland, Craig, Dubois, Elliott, Fisk, Gilham, Gouge, Green of Greene, Hardin, Henderson, Henry, Holmes, Houston, Jarrott, Johnson, Jones, Kent, Kerr, Logan, Lyons, McCormick, McCutchen, McMillan, Morgan, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Otwell, Pace, Philips, Roberts, Roman, George Smith, Thomas of St. Clair, Webb of Alexander, Williams, and Zimmerman—43.

Those who voted in the negative, are,

Messrs. Aldrich, Brown, Calhoun, Compher, Cunningham, Daley, Dawson, Edwards, Elkin, Emmerson, Flood, Foster, French, Green of Clay, Hankins, Happy, Harris, Huey, Hull, Kercheval, McWilliams, Maus, Menard, Moore, Rawalt, Robinson, Robert Smith, Stapp, Walker of Vermilion, Wood, and Mr. Speaker—31.

The bill, as amended, was then

*Ordered* to be engrossed for a third reading.

Mr. Walker of Vermilion, from the select committee to which was referred the bill for "An act to authorize the Board of Public Works to survey and construct the continuation of certain railroads within the State of Indiana," together with the amendments of the committee on Internal Improvements thereto, reported the same without further amendment.

The amendments aforesaid were concurred in; and the bill, as amended, was

*Ordered* to be engrossed for a third reading.

Mr. Kercheval, from the select committee to which was referred the bill for "An act to repeal part of 'An act to incorporate the city of Chicago,'" together with the amendments of the Senate thereto, reported the same without further amendment.

The amendments of the Senate were then concurred in.

*Ordered, That the Clerk inform the Senate thereof.*

Mr. Flood, from the select committee to which was referred the bill from the Senate, for "An act to amend 'An act prescribing the mode of summoning grand and petit jurors, and defining their qualifications and duties,'" reported the same with sundry amendments; which were read.

Mr. Murphy of Perry moved to amend the amendment of the committee to the first section of the bill, so as to make it read, "not more than one dollar and fifty cents per day;" which was not agreed to.

Mr. Hardin moved to amend the same amendment, by striking out the words "seventy-five cents," and inserting "fifty-cents," in lieu thereof; and, pending that question,

The House adjourned until 2 o'clock, P. M.

#### TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The question pending last Saturday evening when the House adjourned, being on concurring with the committee of the Whole House in their amendment to the bill, for "An act concerning the public revenue," coming up for consideration,

Mr. Murphy of Vermilion called for a division, so as to take the vote separately upon concurring with the committee in filling the blanks in the fifteenth and sixteenth sections with "twenty cents," (being the amount of tax upon every \$100,) and

The question being put upon concurring with the committee in filling said blanks,

It was decided in the negative, by yeas and nays, upon the call of Messrs. Murphy of Vermilion and Morgan, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Brown, Compher, Pawson, Edmonston, Edwards, Elkin, Gouge, Hankins, Henderson, Huey, Hull, Jarrott, Kercheval, Lincoln, Logan, McCutchen, Maus, Moore, Naper, Otwell, Pace, Philips, Rawalt, Roberts, G. Smith, R. Smith, Stapp, Williams, and Mr. Speaker

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Archer, Bainbridge, Calhoun, Churchill, Copland, Crain, Cunningham, Daley, Dubois, Dunn, Elliott, Emmerson, Ficklin, Fisk, Flood, Foster, French, Gilham, Green of Clay, Green of Greene, Happy, Hardin, Harris, Henry, Holmes, Houston, Johnson, Jones, Kerr, Lyons, McMillan, McWilliams, Marshall, Menard, Morgan, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Robinson, Roman, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Fulton, Walker of Vermilion, Webb of Alexander, and Zimmerman—49.

Mr. Churchill moved to fill the blank in the fifteenth section with "fifteen cents."

Mr. Pace moved to fill it with "eighteen cents."

Mr. Thornton moved to fill it with "twenty-five cents;" which was not agreed to.

The question was then taken on Mr. Pace's amendment, and decided in the negative.

Mr. Dubois moved to fill the blank with "ten cents."

The question was then put upon the amendment proposed by Mr. Churchill, and decided in the affirmative.

On motion of Mr. Alexander,

The blank in the sixteenth section was filled with "fifteen cents."

On motion of Mr. Rawalt,

The report was amended, by adding the words "real and personal," before the word "property," in the amendment to the twentieth section.

The report of the committee of the Whole was then concurred in as amended.

On motion of Mr. Flood,

The eighth section was amended, by adding the following proviso:

"*Provided*, The assessor shall not be required to enumerate any other kinds of personal property in said list, than is enumerated in the first section of this act, but shall ascertain the aggregate value thereof, and shall set down the same in said list."

On motion of Mr. Robert Smith,

The fifty-ninth section was amended, by adding the following proviso.

"*Provided*, If any assessor is unable, from sickness or any other unavoidable casualty, to discharge the duties of assessor, he shall forthwith tender his resignation to the county commissioners' court; which shall fully discharge the said assessor from the penalty aforesaid; and the county commissioners' court shall, in all such cases, fill said vacancy."

On his further motion,

The same section was amended, by striking out the words, "without good cause."

On motion of Mr. Rawalt,

The seventh section was amended, by striking out the words "at interest," in the table therein contained, and inserting, in lieu thereof, the words "actually loaned."

On motion of Mr. Huey,

The sixty-fourth section was amended, by adding the following proviso:

"*Provided*, That the repeal of said acts shall in no way affect or im-



pair any rights or interests acquired under said acts. This act to take effect from and after its passage."

Mr. Crain moved to add the following, as an additional section:

"It shall be the duty of all sheriffs and collectors of taxes to receive from all citizens of this State, any current bank paper, in payment of all taxes by them due; but taxes owed by non-residents shall be collected in gold and silver;" not agreed to.

Mr. Walker of Vermilion moved to amend the thirteenth section, by inserting, after the word "counties," in the fourth line, the following:

"The Auditor, upon the receipt of all such statements from the different counties, shall, together with the Treasurer, ascertain the amount on each one hundred dollars' worth of property so assessed, that will be necessary to pay the current expenses of the State for the current year; and thereupon, the said Auditor and Treasurer shall inform the county commissioners' courts of the different counties, by written message, of the amount so necessary; and the collectors shall collect no greater amount for State purposes than shall be returned to the county commissioners' courts as aforesaid: *Provided*, That no greater amount shall ever be collected under this act, for State purposes, than is provided in the fifteenth section of this act;" and, pending that motion,

The House adjourned.

## TUESDAY, FEBRUARY 12, 1839.

House met pursuant to adjournment.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of the bill for "An act to organize the county of Carroll," as amended by them; in which amendments they ask the concurrence of the House.

They have concurred with the House in the amendments of the bill from the Senate for "An act to authorize the county commissioners' courts to recover certain moneys by them heretofore loaned."

They have passed a bill, entitled "An act to amend the act, entitled 'An act declaring what shall be evidence in certain cases,' approved 10th January, 1827;" in the passage of which they ask the concurrence of the House of Representatives. And he withdrew.

A message from the Senate, by Mr. Servant, a Senator:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that the Senate have passed the following resolution:

*Resolved by the Senate and House of Representatives*, That the two Houses will meet in the hall of the House of Representatives on Saturday, the 16th instant, at 10 o'clock, A. M., for the purpose of electing a President of the Board of Canal Commissioners, an acting Canal Commissioner, and Treasurer to said Board; Commissioners of the Board of Public Works in the first, second, third, fourth, fifth, sixth, and seventh circuits; three Fund Commissioners; and Directors, on the part of the State, in



the State Bank of Illinois and Bank of Illinois: also, State's Attorneys in the third, fourth, and seventh judicial circuits.

In the adoption of which they ask the concurrence of the House. And he withdrew.

The question pending at the adjournment of the House yesterday forenoon, being on Mr. Hardin's motion to amend the amendment of the committee to the first section of the bill from the Senate for "An act, entitled 'An act to amend an act prescribing the mode of summoning grand and petit jurors, and defining their qualifications and duties,' by striking out the words "seventy-five cents," and inserting the words, "fifty cents," in lieu thereof, again coming up for consideration,

It was decided in the negative.

Mr. Murphy of Perry moved to amend the amendments to the first section, by adding the following:

*Provided*, That nothing in this act shall be so construed as to compel the county commissioners' courts of Macon, Perry, Clinton, Edwards, and Jasper counties to allow grand and petit jurors the sum of seventy-five cents, except the finances of the county treasury will justify the same;" which was not agreed to.

On motion of Mr. Flood,

The vote taken on the amendment proposed by Mr. Hardin was rescinded.

Mr. Edmonston called for a division of the question, so as to take the vote separately on striking out.

The question was put on striking out, and decided in the affirmative, by yeas and nays, on the call of Messrs. Dubois and Murphy of Cook, as follow:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Greene, Archer, Baker, Calhoun, Churchill, Cloud, Copland, Dawson, Edmonston, Edwards, Elliott, Emmerson, Fisk, Flood, Foster, French, Gilham, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Hardin, Henderson, Henry, Houston, Huey, Hull, Johnson, Jones, Kent, Kerr, Lincoln, McCutchen, McWilliams, Menard, Murphy of Perry, Murphy of Vermilion, Otwell, Pace, Philips, Rawalt, Roman, Smith of Wabash, Stapp, Thomas of St. Clair, Thornton, Walker of Fulton, Walker of Vermilion, Webb of Alexander, Wood, Zimmerman, and Mr. Speaker—54.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Franklin, Bainbridge, Brown, Compher, Crain, Cunningham, Daley, Dubois, Dunn, Ficklin, Harris, Holmes, Jarrott, Kercheval, Logan, Lyons, McCormick, McMillan, Maus, Moore, Morgan, Murphy of Cook, Naper, Read, Roberts, Robinson, G. Smith, R. Smith, Thomas of McLean, and Williams—31.

The question recurred on filling the blank with "fifty cents."

Mr. Logan moved to fill the blank with "one dollar."

Mr. R. Smith moved to strike out all of the first section of the bill after the enacting clause, and insert, in lieu thereof, the following:

"That hereafter there shall be paid out of the county treasuries of the several counties in this State, to each grand and petit juror who may serve in the circuit courts of their respective counties, one dollar and fifty cents for each and every day they may serve as such: *Provided*,

*however, The county commissioners' courts of the several counties may reduce the allowance to any sum not less than fifty cents per day: And provided further, That the said courts may allow a sum of not less than two, or more than five cents per mile for each mile of necessary travel of every juror in going to or returning from the county seat; mileage to be computed daily."*

The question was taken thereon, by yeas and nays, on the call of Messrs. Churchill and R. Smith, and decided in the negative, as follow:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Greene, Calhoun, Churchill, Compher, Copland, Crain, Cunningham, Daley, Dunn, Ficklin, Green of Clay, Green of Greene, Hankins, Harris, Holmes, Houston, Jarrott, Jones, Kercheval, McWilliams, Maus, Menard, Moore, Morgan, Murphy of Cook, Naper, Read, Roberts, Robinson, G. Smith, R. Smith, Thomas of St. Clair, Thornton, Walker of Fulton, Walker of Vermilion, Webb of Alexander, and Williams—38.

Those who voted in the negative, are,

Messrs. Aldrich, Archer, Brown, Dawson, Dubois, Edmonston, Edwards, Elliott, Emmerson, Fisk, Flood, Foster, French, Gilham, Gouge, Happy, Hardin, Henderson, Henry, Huey, Hull, Johnson, Kent, Kerr, Lincoln, Logan, Lyons, McCutchen, Murphy of Perry, Murphy of Vermilion, Otwell, Pace, Philips, Rawalt, Roman, Stapp, Thomas of McLean, Wood, Zimmerman, and Mr. Speaker—40.

The question was then put on Mr. Logan's motion to fill the blank with "one dollar," and decided in the negative, by yeas and nays, on the call of Messrs. R. Smith and Logan, as follow:

Those who voted in the affirmative, are,

Messrs. Allen of Franklin, Calhoun, Churchill, Cloud, Compher, Crain, Cunningham, Daley, Dubois, Dunn, Edwards, Elliott, Ficklin, French, Hankins, Happy, Harris, Holmes, Jarrott, Jones, Logan, Lyons, McMillan, Maus, Menard, Moore, Morgan, Murphy of Cook, Naper, Otwell, Read, Roberts, Robinson, G. Smith, R. Smith, Walker of Vermilion, Williams, and Mr. Speaker—38.

Those who voted in the negative, are,

Messrs. Aldrich, Alexander, Allen of Greene, Archer, Brown, Copland, Dawson, Edmonston, Emmerson, Fisk, Flood, Foster, Gilham, Gouge, Green of Clay, Green of Greene, Hardin, Henderson, Henry, Houston, Huey, Hull, Johnson, Kent, Kercheval, Kerr, Lincoln, McCutchen, McWilliams, Murphy of Perry, Murphy of Vermilion, Pace, Philips, Rawalt, Roman, Stapp, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Fulton, Webb of Alexander, Wood, and Zimmerman—43.

Mr. Moore moved to fill the blank with "sixty-two and a half cents."

Mr. Stapp moved to amend the amendment, so as to make it read, "not more than one dollar and fifty cents per day;" which was agreed to.

Mr. Pace moved to amend the amendment, by striking out so much as relates to the allowance of mileage; which was not agreed to.

The amendments of the committee, as amended, were then concurred in.

On motion of Mr. Hardin,

The first section of the bill was amended, by adding thereto the following:

"And that the commissioners' courts shall, at their June term, annually, fix the compensation which shall be allowed to grand and petit jurors, for their services per-diem."

Mr. Henderson moved to add the following to the fifth section of the bill:

"And in all cases, the jury fee shall be paid by the unsuccessful party, whether tried by the jury or the judge; and the proceeds of the docket fees and jury fees shall be faithfully applied to the payment of jurors;" which was not agreed to.

On motion of Mr. Henderson,

The proviso at the end of the 7th section was stricken out, and the following section added to the bill:

"SEC. 8. That each juror, attending in any cause before a justice of the peace, shall be entitled to the sum of fifty cents; and, should the trial continue for more than one day, the sum of fifty cents for each day, to be taxed with the costs, and to be allowed to jurors, whether sworn in the case or not, provided they are summoned, and attend at the time and place of trial."

On motion of Mr. Archer,

The following section was added to the bill:

"SEC. 9. Hereafter it shall be the duty of the commissioners' courts to select in each county only twelve petit jurors to serve at each term of the circuit court, instead of twenty-four, as now directed by law; and should the full number, regularly selected and summoned, not be present, the number to fill up the jury shall be summoned and taken from the by-standers."

Mr Edwards moved the previous question.

The question was taken—"Shall the main question be now put?"

And decided in the affirmative.

The bill, as amended, was then

*Ordered* to a third reading.

Mr. Flood, from the committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles, viz:

"An act to incorporate the Hanover Academy;"

"An act to authorize the relocation of part of the State road leading from Stephenson to the mouth of Picatoneca;"

"An act supplemental to an act, entitled 'An act to regulate the action of replevin,' approved January 29, 1827;"

"An act to authorize the county commissioners of Bond county to loan certain funds therein mentioned;"

"An act to change an appropriation heretofore made to Clinton county;"

"An act to authorize Ezra Baker, jr., and Henry I. Mills to erect a mill-dam across the Little Wabash river;"

"An act to amend 'An act concerning the right of way, and for other purposes;"

"An act in relation to the records of Johnson county;"

"An act legalizing the acts of John Simpson, a justice of the peace in Johnson county;"

"An act to change the name of the town of Fairfield, in Adams county;"

"An act to change an appropriation made to the county of Lawrence;"

"An act to incorporate the town of Warsaw;"

"An act to legalize the sale of section sixteen, in township nine north, of range two east, in the county of Knox;"

"An act supplemental to an act, entitled 'An act to erect certain bridges,' approved January 22, 1831;"

"An act to authorize the county commissioners' court of Randolph county to change and alter State roads in said county;"

"An act to amend 'An act concerning justices of the peace and constables,' approved February 3, 1827;"

"An act regulating the salaries of the Judges of the Supreme Court;"

"An act to establish a State road from Beardstown to Manchester;"

"An act to vacate the survey and plat of the sub-division of block forty-one, in the town of Monmouth;"

"An act laying out a State road in Alexander county;"

"An act making an appropriation to enclose the graves of deceased State officers in the town of Vandalia;"

"An act to relocate part of a State road in Franklin county;"

"An act appointing an additional notary public for the county of Hancock;"

"An act to incorporate the Edwardsville Steam-mill Company;" and

"An act for the relief of the judge of the sixth judicial circuit of the State of Illinois."

Mr. Flood afterwards reported that the aforesaid bills were this day laid before the Council of Revision.

Mr. Calhoun moved that the rule of the House be dispensed with, for the purpose of taking up the resolution from the Senate received this morning, in relation to the election of Canal Commissioners, &c.; which was not agreed to.

Mr. Happy presented the petition of 159 citizens of Morgan county, praying the re-election of M. McConnel, Commissioner of the Board of Public Works; which was read:

On motion of Mr. Henry,

Referred to a select committee,

Ordered, That Messrs. Henry, Happy, and Morgan, be that committee.

Mr. Happy presented the remonstrance of 46 citizens of Meredosia, Morgan county, against the re-election of M. McConnel, Commissioner of the Board of Public Works; which, without reading, was, on his motion, referred to the same select committee to which was referred the foregoing petition.

Mr. Jarrott presented the petition of sundry inhabitants of the American bottom, praying an act of incorporation for the purpose of draining the ponds and lakes of said American bottom; which, without reading, was, on his motion, referred to the committee on the Judiciary.

Mr. Churchill presented the petition of sundry citizens of De Kalb

county, praying the division of Ogle county, and for other purposes; which was referred, on his motion, to the committee on Counties.

Mr. Churchill, also, presented the petition of sundry citizens of De Kalb county, praying a relocation of the county seat of said county, and for other purposes; which was referred, on his motion, to the committee on Counties.

Mr. Stapp presented the petition of sundry citizens of Warren county, praying for an act of incorporation for the Warren county male and female seminary; which was referred, without reading, on his motion, to a select committee.

*Ordered*, That Messrs. Stapp, Williams, and Kent, be that committee.

Mr. Stapp presented the petition of sundry citizens of Warren county, praying a change in a certain State road; which, on his motion, was referred, without reading, to the committee on State Roads.

Mr. Cloud presented the petition of 71 citizens of Morgan county, praying the repeal of the license laws; which was referred, on his motion, to the committee on the Judiciary.

Mr. Cloud presented the petition of sundry citizens of Morgan and Pike counties, asking an appropriation for improving a road in Pike county, through the Illinois bottom; which was referred, without reading, on his motion, to the committee on State Roads.

Mr. Jarrott presented the petition of many ladies and gentlemen of St. Clair county, praying a repeal of all laws authorizing the retailing of spirituous liquors; which, on his motion, was referred, without reading, to the committee on the Judiciary.

Mr. Murphy of Cook presented the petition of sundry citizens of Will county, praying an alteration in the act of incorporation of the town of Juliet: also the remonstrance of sundry citizens against the same; which, on his motion, were referred, without reading, to the same select committee to which another petition on the same subject was referred.

Mr. Hardin presented the petition of sundry citizens of Cass county, in relation to the county seat of said county; which was referred, without reading, on his motion, to the committee on Counties.

Mr. McCutchen presented the petition of William Lewis, administrator of Wm. C. Ralls, deceased, praying for an act to authorize him to confirm certain contracts, and convey certain real estate of the deceased; which was referred, on his motion, without reading, to the committee on the Judiciary.

Mr. Cunningham presented the petition of sundry citizens of Coles county, praying for a new county out of the counties of Coles, Clark, and Jasper; which, without reading, was, on his motion, referred to the committee on Counties.

Mr. Murphy of Cook presented the remonstrance of sundry citizens of Will county, against a division of the seventh judicial circuit; which, without reading, was, on his motion, referred to the committee on the Judiciary.

Mr. Maus presented the petition of Polly Ann Parmely, praying a divorce from her husband, Cassius Parmely; which, without reading, was, on his motion, referred to a select committee.

*Ordered*, That Messrs. Maus, French, and Murphy of Perry, be that committee.

Mr Kent presented two petitions, one of 79, and the other of 323 voters, for the removal of the county seat of Ogle county, and remonstrating against a division of said county; which, without reading, were, on his motion, referred to the committee on Counties.

And then the House adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The question pending last evening when the House adjourned, being on the motion of Mr. Walker of Vermilion to amend the 13th section of the bill, entitled "An act concerning the public revenue," coming up for consideration:

The question being taken on the adoption of said amendment, it was decided in the negative, by yeas and nays, upon the call of Messrs. Walker of Vermilion and Murphy of Vermilion, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Archer, Calhoun, Cloud, Crain, Edmonston, Fisk, Foster, French, Green of Clay, Green of Greene, Hankins, Huey, Hull, Kent, Kercheval, Logan, McCutchen, Marshall, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Roberts, Robinson, R. Smith, Stapp, Thornton, Walker of Vermilion, Wood, and Mr. Speaker—30.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Compher, Copland, Cunningham, Daley, Dawson, Dunn, Edwards, Emmerson, Ficklin, Flood, Gilham, Gouge, Happy, Hardin, Harris, Henderson, Henry, Holmes, Houston, Jarrott, Johnson, Kerr, Lyons, McCormick, McMillan, McWilliams, Menard, Moore, Morgan, Naper, Otwell, Pace, Rawalt, Read, Roman, G. Smith, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Webb of Alexander, Williams, and Zimmerman—47.

On motion of Mr. Dawson,

The following was added as an additional section, viz:

"SEC. The Secretary of State is hereby required, so soon as this bill becomes a law, to have, without delay, as many copies of said bill printed as there are counties in this State, and forward one copy, by mail, to each clerk of the several county commissioners courts within this State."

Mr. Hardin moved to amend the 20th section, by adding thereto the following:

"In listing lands for taxation, the person or officer listing the same shall designate whether the same belong to residents of the county where the same are listed, or to residents without the State or county; and said land shall be designated, respectively, as resident and non-resident lands: and all the taxes paid on non-resident lands shall be paid into the State treasury, whether the same be levied for State purposes or by virtue of the authority herein granted to the county commissioners' courts."

Mr. Thornton moved the previous question; which was not agreed to.

Mr. Stapp moved the previous question; which was sustained.

The question was then put on the adoption of Mr. Hardin's amendment, and decided in the negative, by yeas and nays, on the call of Messrs. Williams and Aldrich, as follow:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Greene, Crain, Emmerson, Fisk, Gilham, Green of Clay, Happy, Hardin, Henry, Holmes, Houston, Huey, Hull, Jarrott, Johnson, Jones, Lincoln, Logan, Morgan, Murphy of Vermilion, Pace, Philips, Read, Thomas of St. Clair, and Wood—26.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Franklin, Archer, Brown, Calhoun, Churchill, Cloud, Compher, Cunningham, Daley, Dawson, Edmonston, Edwards, Ficklin, Flood, Foster, French, Gouge, Green of Greene, Hankins, Harris, Henderson, Kent, Kercheval, Kerr, McCutchen, McMillan, McWilliams, Marshall, Maus, Menard, Moore, Murphy of Cook, Murphy of Perry, Naper, Otwell, Rawalt, Roberts, Roman, Smith of Wabash, G. Smith, R. Smith, Stapp, Thomas of McLean, Thornton, Walker of Fulton, Walker of Vermilion, Webb of Alexander, Williams, Zimmerman, and Mr. Speaker—51.

The question was then taken—"Shall the bill be engrossed, as amended, for a third reading?"

And decided in the negative, by yeas and nays, on the call of Messrs. Hardin and Rawalt, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Archer, Brown, Calhoun, Churchill, Compher, Cunningham, Dawson, Edmonston, Edwards, Ficklin, Flood, French, Gouge, Green of Clay, Henderson, Huey, Kent, Kercheval, Lincoln, McCutchen, McMillan, Moore, Murphy of Cook, Naper, Otwell, Rawalt, Roberts, G. Smith, R. Smith, Stapp, Thomas of McLean, Walker of Fulton, and Williams—34.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Cloud, Crain, Daley, Emmerson, Fisk, Foster, Gilham, Green of Greene, Hankins, Happy, Hardin, Harris, Henry, Holmes, Houston, Hull, Jarrott, Johnson, Jones, Kerr, Logan, McWilliams, Marshall, Maus, Menard, Morgan, Murphy of Perry, Murphy of Vermilion, Pace, Philips, Read, Roman, Smith of Wabash, Thomas of St. Clair, Thornton, Walker of Vermilion, Webb of Alexander, Wood, Zimmerman, and Mr. Speaker—43.

Mr. Williams moved that the House adjourn.

Mr. Alexander moved that the House adjourn until 7 o'clock, P. M.

The question was taken on the first motion, and decided in the affirmative.

WEDNESDAY, FEBRUARY 13, 1839.

House met pursuant to adjournment.

On motion of Mr. Murphy of Vermilion,

The House reconsidered its vote, taken yesterday afternoon, upon ordering to be engrossed for a third reading, the bill for "An act concerning the public revenue."

Mr. Allen of Greene moved to recommit the bill to a committee of the Whole House, and make it the special order of the day for this afternoon; which was not agreed to.

On motion of Mr. Murphy of Vermilion,

It was referred to a select committee of seven.

*Ordered*, That Messrs. Murphy of Vermilion, Henderson, Happy, Thornton, Edwards, Marshall, and McCutchen, be that committee.

Mr. Cloud presented a petition of 1,465 citizens of Morgan county, praying the re-election of M. McConnell as Commissioner of the Board of Public Works; which was referred, on his motion, without reading, to the same select committee to which were yesterday referred other petitions on the same subject.

On motion of Mr. Dawson,

The rules were dispensed with, and the general orders of the day taken up.

The bills from the Senate, entitled "An act to incorporate the La Salle Prairie Company;"

"An act to change a part of the State road from Vandalia to Salem;"

"An act to legalize the sub-division of block thirty, in the school section addition to the town of Chicago;"

"An act establishing ferries on school lands for the use of the inhabitants of townships;"

"An act to authorize the county commissioners' courts of the counties of Cook, Washington, and Clinton to effect loans;"

"An act to authorize a change in a certain State road therein named;"

"An act, entitled 'An act to locate a State road from Thornton to Lockport, Plainfield, and Blackberry creek,' approved February 27, 1837;"

"An act authorizing the building of certain bridges, and changing certain appropriations;"

"An act concerning the town of Lynnville;"

"An act to change the name of the town of Augusta, in Pike county;"

"An act to authorize the county commissioners of Peoria, and other counties, to lease certain offices;" and

"An act to legalize the survey of the town of Carthage;"

Were severally read a third time, and passed.

*Ordered*, That the titles of said bills be as aforesaid, and that the Clerk inform the Senate thereof.

The bills from the Senate, entitled

"An act to provide for the removal of the public offices to Springfield;"

"An act to amend an act, entitled 'An act to protect the canal lands against trespasses,' approved March 4, 1837;"

"An act to locate a State road from the northern boundary of Warren county to Illinois city, in Rock Island county;"



"An act to build a bridge across Fox river, at Ottawa;" and

"An act to relocate a part of the State road from Calhoun county to Schuyler county."

Were severally read a third time, as amended, and passed.

*Ordered*, That the titles of said bills be as aforesaid, that the Clerk inform the Senate thereof, and ask their concurrence in the amendments of the House of Representatives.

The bill from the Senate for "An act to establish the Illinois Asylum for the education of the deaf and dumb," was read a third time, as amended.

Mr. Stapp moved to lay it on the table; which was not agreed to.

The question was taken—"Shall the bill pass?"

And decided in the affirmative, by yeas and nays, on the call of Messrs. Edmonston and Happy.

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Brown, Calhoun, Cloud, Copland, Dunn, Edwards, Elkin, Emmerson, Ficklin, Flood, Foster, French, Gilham, Green of Clay, Green of Greene, Happy, Hardin, Harris, Henderson, Henry, Holmes, Houston, Hull, Jarrott, Jones, Kercheval, Kerr, Lincoln, Logan, Lyons, McCormick, McWilliams, Marshall, Menard, Morgan, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Philips, Rawalt, Read, Roberts, Smith of Wabash, George Smith, Robert Smith, Thomas of McLean, Thornton, Walker of Fulton, Walker of Vermilion, Williams, Zimmerman; and Mr. Speaker—59:

Those who voted in the negative, are,

Messrs. Compher, Craig, Crain, Cunningham, Daley, Dawson, Edmonston, Fisk, Gouge, Hankins, Huey, Johnson, Kent, McCutchen, McMillan, Maus, Moore, Murphy of Cook, Pace, Robinson, Roman, Stapp, Thomas of St. Clair, Webb of Alexander, and Wood—25.

*Ordered*, That the title of said bill be as aforesaid, that the Clerk inform the Senate thereof, and ask their concurrence in the amendments of the House thereto.

The bill from the Senate, entitled "An act to provide for publishing the decisions of the Supreme Court," was taken up, and,

On motion of Mr. Calhoun,

Referred to the committee on Public Accounts and Expenditures.

The engrossed bill, entitled "An act providing for the election of a public binder, and defining his duties," was read a third time.

On motion of Mr. Edwards,

The last section was amended, so as to read, "this act shall take effect from and after the first day of December, A. D. 1840."

The bill, as amended, was then passed.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk inform the Senate of the passage thereof, and ask their concurrence therein.

A message from the Council of Revision, by Mr. McLean, their Secretary:

*Mr. Speaker*: The Council of Revision have approved acts, entitled "An act in relation to the records of Johnson county;"

"An act to change an appropriation made to the county of Lawrence;"

"An act to legalize the acts of John Simpson, a justice of the peace in Johnson county;"

"An act in relation to garnishees;"

"An act to authorize the relocation of part of the State road leading from Stephenson to the mouth of Pickatoneca;"

"An act to authorize the county commissioners of Bond county, to loan certain funds therein mentioned;"

"An act to change an appropriation heretofore made to Clinton county;"

"An act supplemental to an act, entitled 'An act to regulate the action of replevin,' approved January 29, 1827;"

"An act to amend 'An act concerning the right of way, and for other purposes;"

"An act to incorporate the Hanover Academy;"

"An act to authorize Ezra Baker, jr., and Henry I. Mills to erect a mill-dam across the Little Wabash river;"

"An act to change the name of the town of Fairfield, in Adams county;" and

"An act to incorporate the town of Warsaw." And he withdrew.

The engrossed bills, entitled

An act to incorporate the Warsaw Marine and Fire Insurance Company;"

"An act to revive and amend an act, entitled 'An act to incorporate the town of Caledonia;"

"An act to incorporate the Centre Bridge Company at Ottawa;"

"An act to amend 'An act regulating the mode of trying the right of property;"

"An act to incorporate agricultural societies;"

"An act to construct bridges across the Kaskaskia and Embarrass rivers, at or near the points where the Springfield trace crosses said streams, and for other purposes;"

"An act to incorporate the Fairfield Institute;"

"An act to incorporate the Kankakee Manufacturing Company;"

"An act to incorporate the Fox River Manufacturing Company, and for other purposes;"

"An act authorizing the administrators of Henry M. Shaw, deceased, to execute deeds in certain cases, and changing the name of the town of Florence, in White county;"

"An act to locate a State road from Griggsville, in Pike county, to the Mississippi river;

"An act declaring the Des Plaines river a navigable stream;"

"An act to incorporate the town of Lacon, in Marshall county;"

"An act to incorporate the Embarrass River Navigation Company;"

"An act to authorize the administrators of William T. Wilber, deceased, to convey certain real estate;"

"An act to locate a State road from McKinzie's place, in Hamilton county, to Shawneetown, in Gallatin county;"

"An act to establish a State road in Franklin and Union counties;"

"An act to incorporate the town of Decatur;"

"An act to relocate part of a State road from Quincy to Macomb;"

"An act to amend the recorded plat of the town of Athens;"

"An act to incorporate the town of Hennepin;"

"An act to permanently locate the county seat of Mercer county;"

"An act to relocate part of the State road from Mount Vernon to Fairfield;"

"An act to authorize the judge of the fourth judicial circuit to hold special terms of the circuit court;"

"An act to incorporate the Chicago Lyceum;"

"An act to locate a State road from the dividing line between the counties of Vermilion and Iroquois, at the point where the Butterfield trace crosses said line;"

"An act to authorize Samuel Hillon and Sylvanus Mason to build a mill-dam across Big Muddy river;" and

"An act for the relief of J. H. C. Hanna;"

Were severally read a third time, and passed.

*Ordered*, That the titles thereof be as aforesaid, that the Clerk inform the Senate of the passage of the same, and ask their concurrence therein.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have passed bills of the following titles, viz:

"An act further to provide for the release and extinction of mortgages;"

"An act to incorporate the town of Bloomington;"

"An act to incorporate the Amity Academy, in Bond county, and the Lebanon Female Academy, in St. Clair county;"

"An act for the relief of the trustees of Shawneetown;"

"An act in relation to the county of Macon;"

"An act to authorize the sale of school land in Edwards county;"

"An act to provide for the dedication of lots, in towns situated on canal lands, to public purposes;"

"An act to authorize the trustees of schools in township seven north, range seven east, to revalue the sixteenth section;"

"An act to extend the powers of the corporation of Shawneetown;" and

"An act to provide for the specific execution of contracts in relation to the payment of interest."

In the passage of which they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in the passage of the bills, entitled

"An act concerning the public revenue of the county of Knox;"

"An act supplemental to the act, entitled 'An act to define the extent of possession in cases of settlement on the public lands,' approved February 27, 1837;"

"An act in relation to the town of Springfield;" and

"An act to authorize James S. Gifford and Samuel J. Kimball to build a dam across Fox river."

They have concurred with the House in the passage of the bills, entitled

"An act to incorporate the Illinois Mutual Fire Insurance Company;"

"An act to locate a State road from Mount Sterling, in Schuyler county, to Macomb, in McDonough county;"

"An act to amend the acts in relation to constables;"

"An act to incorporate the Mount Carmel Female Seminary;"

"An act to authorize L. D. Hilerman to build a mill-dam across the Little Wabash river, in Clay county;" and

"An act supplementary to 'An act to incorporate the Alton Marine and Fire Insurance Company,' as amended by them.

In which amendments they ask the concurrence of the House of Representatives.

They refuse to concur in the amendments of the House to the bill from the Senate for "An act providing for the improvement of certain roads in Edgar county."

They have concurred in the amendments of the House to the bills from the Senate, entitled

"An act to provide for the appointment of additional judges of elections in Coles county;"

"An act to amend an act, entitled 'An act regulating elections,' in force June 1, 1829;"

"An act to change the name of the town of Savannah;" and

"An act to incorporate the Mount Vernon Academy."

They have concurred with the House of Representatives in the adoption of the resolution, instructing the Clerks of the two Houses to cause all reports to either, or both Houses, to be bound in a separate volume, &c.

They have also concurred with them in the adoption of the preamble and resolutions relative to the deposite of the money, collected by the General Government in this State, in the banks of this State, &c.

And he withdrew.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed to inform to House of Representatives that the Senate have concurred with them in the passage of the bill for "An act regulating the time of holding the circuit courts in the second judicial circuit." And he withdrew.

The engrossed bill for "An act to distribute the school fund to the several counties in this State," was read a third time.

After some time spent in discussing the same,

On motion of Mr. Robert Smith,

The further consideration thereof was postponed, and leave given him to introduce the following resolution:

*Resolved,* That the use of this hall be tendered to Doctor Moses Long, of New York, this evening at 7 o'clock, P. M., to exhibit models of Col. S. H. Long's patent bridges, and explain their principles and modifications.

Which was agreed to.

On motion of Mr. Johnson,

The consideration of the bill was further postponed, and leave given him to introduce the following resolution:

*Resolved,* That a joint select committee, consisting of three on the part of the House and two on the part of the Senate, be appointed to revise the school laws, as soon as practicable.

Which was not agreed to.

Mr. Logan, on leave given, introduced a proposition to lease the State Penitentiary at Alton; which was referred, on his motion, without reading, to a select committee of seven.

*Ordered*, That Messrs. Logan, Fisk, Craig, George Smith, Otwell, Roman, and Green of Greene, be that committee.

And then the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Flood, from the committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles, viz:

"An act to change the name of the town of Savannah, in the county of Warren;"

"An act to provide for the appointment of additional judges of elections in Coles and other counties;"

"An act to amend the several acts incorporating the town of Galena;"

"An act to incorporate the Central Seminary of Illinois;"

"An act to authorize Reuben and Sullivan L. Haines to raise a mill-dam across the Mackinaw river;"

"An act to prohibit betting on elections;"

"An act to incorporate the Mount Vernon Academy;"

"An act of incorporation for the Upper Alton Manufacturing Company;"

"An act to authorize the county commissioners' courts to recover certain moneys by them heretofore loaned;"

"An act to amend an act, entitled 'An act regulating elections,' in force June 1, 1829;"

"An act to incorporate New Haven, in Gallatin and White counties;"

"An act in relation to the town of Springfield;"

"An act to authorize James S. Gifford and Samuel J. Kimball to build a dam across Fox river;"

"An act to repeal part of 'An act to incorporate the city of Chicago;' and

"An act supplemental to an act, entitled 'An act to amend an act for the limitation of actions and for avoiding vexatious law suits.'"

Mr. Roman, from the committee on Engrossed Bills, reported, as correctly engrossed, bills of the following titles, viz:

"An act for the benefit of John W. Spencer and David B. Sears, of Rock Island county;"

"A act to amend the law in relation to sheriffs and coroners;"

"An act to authorize Joshua Vandruff to establish a ferry across Rock river, at Vandruff's island;"

"An act authorizing the commissioners of Crawford county to appoint persons to locate a certain road therein named;"

"An act to authorize the county commissioners' court of St. Clair county to change State roads in said county;" and

"An act authorizing the Board of Public Works to survey and construct the continuation of certain railroads within the State of Indiana."

Mr. Flood, from the committee on Enrolled Bills, reported, as correctly

enrolled, a bill for "An act regulating the time of holding the circuit courts in the second judicial circuit."

Mr. Edmonston moved that the rule of the House be dispensed with, for the purpose of taking up the bill for "An act to distribute the school fund to the several counties of this State;" which was agreed to.

Mr. Thornton moved to lay the bill on the table; which was not agreed to.

The question was then put—"Shall the bill pass?"

And decided in the affirmative, by yeas and nays, upon the call of Messrs. Dawson and Rawalt, as follow:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Calhoun, Churchill, Cloud, Compher, Crain, Cunningham, Daley, Dunn, Edmonston, Elliott, Emerson, Ficklin, Fisk, Flood, Foster, French, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Huey, Johnson, Jones, Kerr, Logan, McMillan, McWilliams, Maus, Moore, Morgan, Murphy of Perry, Murphy of Vermilion, Robinson, Roman, Smith of Wabash, R. Smith, Stapp, Thomas of St. Clair, Walker of Vermilion, and Mr. Speaker—47.

Those who voted in the negative, are,

Messrs. Aldrich, Craig, Dawson, Edwards, Elkin, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Kent, Kercheval, Lincoln, Lyons, McCutchen, Marshall, Murphy of Cook, Naper, Otwell, Pace, Philips, Rawalt, Roberts, G. Smith, Thomas of McLean, Thornton, Walker of Fulton, Webb of Alexander, Williams, Wood, and Zimmerman—33.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk carry said bill to the Senate, and ask their concurrence therein.

Mr. Pace moved that the rule of the House be dispensed with, and the bill for "An act for the relief of Jefferson county," be now taken up; which was agreed to.

The bill was then read the second time.

Mr. Stapp moved to amend the bill, by adding the following, as an additional section, viz:

"**SEC. 2.** And that the Fund Commissioners pay to the county of Henry the sum of one thousand dollars, as her portion of the said two hundred thousand dollars;" when,

On motion of Mr. Murphy of Vermilion,

The bill and proposed amendment were referred to the committee on Internal Improvements.

Mr. Calhoun moved to amend the rules, by adding the following, viz:

**RULE** . It shall always be in order to take up or introduce any resolution, the object of which is the convening of the two Houses for the purpose of going into any election or elections:

Which motion was rejected.

On motion of Mr. Williams,

The rule of the House was dispensed with, and the resolution from the Senate, providing for the election of certain officers on the 16th instant, was taken up for consideration.

On motion of Mr. Ficklin,

The resolution was amended, by striking out the word "three," before "fund", and inserting "one."

On motion of Mr. Elkin,

The resolution was further amended, by striking out all that provided for the election of Fund Commissioners.

Mr. Fisk moved to amend further, by striking out the "16th," and inserting the "23d."

Mr. Dawson called for a division of the question.

The question was then taken on striking out,

And decided in the negative.

Mr. Happy moved further to amend the resolution, by striking out "first, second, third, fourth, fifth, sixth, and seventh, and inserting "five,"

And, pending his motion,

The House adjourned.

### THURSDAY, FEBRUARY 14, 1839.

House met pursuant to adjournment.

Mr. Roman, from the committee on Engrossed Bills, reported, as correctly engrossed, the bill for "An act to establish the county of Stark."

On motion of Mr. Logan,

The bill some time since laid on the table, entitled "An act authorizing the improvement of the Big Muddy river," was taken up for consideration.

The amendment proposed by Mr. Alexander was then adopted.

Mr. Alexander moved further to amend the bill, by adding the following, viz:

"Also ten thousand dollars for the Embarrass river;" which amendment was not adopted.

Mr. Marshall moved an amendment, appropriating ten thousand dollars to the building a bridge across the Saline creek, in Gallatin county, at the Big Ripple; which motion was rejected.

The bill was then

*Ordered* to be engrossed for a third reading.

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: I am directed to inform the House of Representatives that the Senate have passed bills of the following titles, viz:

"An act making further provision for the sale of canal lands;"

"An act in relation to the resident land tax of Hancock county;" and

"An act to amend 'An act to extend the corporate powers of the town of Peoria,' approved February 21, 1837."

In the passage of which bills they ask the concurrence of the House of Representatives.

The have adopted a "preamble and resolutions in relation to the occupation of the Oregon territory;" in the adoption of which they ask the concurrence of the House.

They have concurred with the House of Representatives in the passage of the bill for "An act to incorporate the Charleston Marine Fire Insurance Company," as amended by them; in which amendments they ask the concurrence of the House.

They have also concurred with the House of Representatives in the passage of bills of the following titles, viz:

"An act declaring Mill and Big creeks navigable, in Clark county."

"An act to locate a State road from Jonesborough, in Union county, to William T. Ryburn's, in Franklin county;"

"An act to change the name of the town of Mechanicsburg, in St. Clair county;"

"An act to authorize the clerk of the Madison circuit court, to procure the rebinding of certain records;"

"An act to locate a State road from Naperville, in Cook county, to Indian creek, in McHenry county;" and

"An act declaring the Mauvaise terre creek a navigable stream."

They refuse to order to a second reading the bill from the House, entitled "An act to extend the jurisdiction of justices of the peace." And he withdrew.

Mr. Rawalt presented a memorial of sundry citizens of Fulton county, praying for an act to authorize the legal voters of said county to vote for or against the removal of the county seat, at a special election; which, without reading was, on his motion, referred to the committee on Counties.

Mr. George Smith presented the petition of sundry citizens of the American bottom, praying an act of incorporation for draining lakes, &c. therein; which, without reading was, on his motion, referred to the committee on the Judiciary.

Mr. Cloud presented the petition of 49 citizens of Macoupin county, praying the formation of a new county; which, without reading was, on his motion, referred to the committee on Counties.

Mr. Gouge presented a communication from Philo Hale, Esq., enclosing a description and power of Page's ditching and banking machine, and Rockwell's horse corn planter; which, without reading, was, on his motion, referred to the committee on Agriculture and Manufactures.

Mr. Daley presented the petition of sundry citizens of Greene county, praying a division of said county; which, without reading, was, on his motion, referred to the committee on Counties.

Mr. Foster presented the petition of sundry citizens of Marion county, praying the establishment of a ferry over the Mississippi river, opposite St. Louis; which, without reading, was, on his motion, referred to the committee on the Judiciary.

Mr. Roman presented the petition of 93 citizens of St. Clair county, praying the incorporation of a railroad therein named, and the establishment of a ferry on the Mississippi river, opposite St. Louis; which, without reading, was, on his motion, referred to the committee on the Judiciary.

Mr. Churchill presented the petition of sundry citizens of La Salle county, praying the re-election of E. Peck, Esq., Commissioner of the Board of Public Works; which, without reading, was, on his motion, laid on the table.

Mr. Churchill presented the petition of sundry citizens of the valley of the Illinois river, praying the improvement of the navigation of said river; which, without reading, was, on his motion, referred to the committee on Internal Improvements.



Mr. Churchill presented the petition of sundry citizens of the valley of Illinois, praying the re-election of Messrs. Peck, McConnel, and Wright, Commissioners of the Board of Public Works; which, without reading, was, on his motion, laid on the table.

Mr. Churchill also presented the petition of sundry citizens of La Salle county, praying the re-election of Murray McConnel, Esq., Commissioner of the Board of Public Works; which, without reading, was, on his motion, laid on the table.

Mr. Churchill presented the petition of sundry citizens of Cook county, praying the annexation of a part of said county to the county of Kane; which, without reading, was, on his motion, referred to the committee on Counties.

Mr. Jarrott presented the remonstrance of 79 citizens of St. Clair county, against granting to Wm. C. Anderson a charter to construct a railroad from the Coal Banks to the Mississippi river, opposite St. Louis; which, without reading, was, on his motion, referred to the committee on the Judiciary.

Mr. Williams, from the committee on Finance, to which was referred a resolution instructing them to inquire whether the present system of internal improvement is to large, &c., reported the same, and asked to be discharged from the further consideration of the subject; which was granted.

Mr. Ficklin, from the committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act to amend the several laws in relation to appeal bonds and the trial of appeals," reported the same with amendments; which were read and concurred in.

The bill was then

*Ordered* to a third reading as amended.

Mr. Moore, from the committee on Counties, to which were referred certain petitions and remonstrances from Franklin county, for and against a division of said county, reported a bill for "An act to establish the county of Williamson;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Ficklin, from the committee on the Judiciary, reported a bill for "An act to regulate the mode of proceeding on the redemption of real estate sold under execution;" which was read the first time, and

*Ordered* to a second reading.

Mr. Rawalt, from the committee on Finance, to which was referred a certain petition, reported a bill for "An act of incorporation of the Fulton County Mutual Fire Insurance Company;" which was twice read, and

*Ordered* to be engrossed for a third reading.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed to inform the House that the Senate have concurred with them in the passage of the bill for "An act to regulate interest on Auditor's warrants," as amended by them. In which amendment they ask the concurrence of the House." And then he withdrew.

Mr. Moore, from the committee on Counties, to which were referred certain petitions, reported a bill for "An act to create the county of Virgil;" which was twice read, and,

On motion of Mr. Harris,

Referred to a select committee of five.

Ordered, That Messrs. Harris, Cloud, Edwards, Logan, and Henderson, be that committee.

Mr. Moore, from the committee on Counties, to which were referred the petition of the president and trustees of the town of Beardstown, and the petition of sundry citizens of Cass county, praying the relocation of the county seat of said county, reported against the said petitions, and asked to be discharged from the further consideration thereof; which was granted.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred a petition of Wm. B. King, and certain citizens of Clinton county, praying a recharter of the toll-bridge across Shoal creek, on the Great Western mail route, reported against the prayer of the petitioners, and asked to be discharged from the further consideration thereof; which was granted.

Mr. Moore, from the committee on Counties, to which was referred a petition of 317 citizens of Tazewell county, praying for a division of said county, reported against the prayer thereof, and asked to be discharged from the further consideration thereof; which was granted.

On motion of Mr. Maus,

Leave was given him to withdraw said petition.

Mr. Webb of Alexander, from the committee on Finance, reported a bill for "An act to incorporate the Santa Fe Railroad Company;" which was twice read, and,

On motion of Mr. Moore,

Referred to the committee on Internal Improvements.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred the bill for "An act to amend an act to establish and maintain a general system of internal improvement," reported the same without amendment; when,

On motion of Mr. Kent,

It was laid on the table.

On motion of Mr. Murphy of Vermilion,

The rules were dispensed with, and leave given him to introduce the report of the select committee to which was referred the bill for "An act concerning the public revenue.

Mr. Murphy of Vermilion reported the said bill with sundry amendments; which were read and concurred in.

On motion of Mr. Dawson,

The bill was amended, by striking out the words "twenty-five cents," in the 15th and 16th sections, and inserting the words "twenty cents," in lieu thereof.

Mr. Pace moved to amend the first section, by adding the following:

"Provided, That one-half of the tax collected upon lots in incorporated towns, by authority of the county commissioners' court of any county, shall be paid by the treasurer of said county to the treasurer of said towns, taking his receipt therefor;" which was not agreed to.

The question was put—"Shall the bill, as amended, be engrossed for a third reading?"

And decided in the affirmative, by yeas and nays, on the call of Messrs. Dubois and Murphy of Cook, as follow:

Those who voted in the affirmative, are,  
Messrs. Aldrich, Archer, Baker, Bainbridge, Brown, Calhoun, Churchill, Compher, Craig, Dawson, Dunn, Edmonston, Edwards, Elkin, Flood, Gouge, Green of Clay, Henderson, Huey, Kent, Kercheval, Kerr, Lincoln, Logan, McCormick, McCutchen, McMillan, McWilliams, Moore, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Rawalt, Roberts, Smith of Wabash, George Smith, Robert Smith, Stapp, Thomas of McLean, Thornton, Walker of Fulton, Walker of Vermilion, Webb of Alexander, and Williams—46.

Those who voted in the negative, are,  
Messrs. Alexander, Allen of Franklin, Allen of Greene, Cloud, Copland, Grain, Cunningham, Dubois, Elliott, Emmerson, Fisk, Foster, French, Gilham, Green of Greene, Hankins, Happy, Hardin, Harris, Henry, Holmes, Houston, Hull, Jarrott, Johnson, Jones, Lyons, Marshall, Maus, Menard, Morgan, Pace, Philips, Robinson, Roman, Thomas of St. Clair, Wood, and Mr. Speaker—38.

Mr. Alexander, from the select committee to which was referred a certain petition, reported a bill for "An act for the relief of John Winstanly and Hugh Duffy;" which was twice read.

Mr. Thornton moved to refer the bill to the committee on the Judiciary, with instructions to inquire, and report to this House, whether the petitioners, if entitled to any thing from the State, can obtain it by law; and, pending that motion,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Craig,

The rules were dispensed with, and the bill for "An act to relocate and build the penitentiary," was taken up, and, on his further motion, referred to a committee of the Whole House, and made the special order of the day for Monday next.

On motion of Mr. Ficklin,

The rules were further dispensed with, and the bill for "An act to increase the capital stock of the Bank of Illinois, and to provide means to pay the interest on a loan or loans, authorized by an act, entitled 'An act to establish and maintain a general system of internal improvements,'" was taken up, and, on his further motion, referred to the committee on the Judiciary.

On motion of Mr. Archer,

The rules were further dispensed with, and leave given to introduce the report of a select committee.

Mr. Archer, from the select committee to which was referred a certain memorial, reported a bill for "An act to incorporate the Marshall Academy;" which was twice read, and

*Ordered* to be engrossed and read a third time.

Mr. Murphy of Perry moved to dispense with the rules, so as to receive the reports of committees; not agreed to.

Mr. Hankins moved that the rules be dispensed with, and leave given him to make a report from a standing committee; not agreed to.

Mr. Jarrott moved that the rules be dispensed with, and leave given him to introduce a bill; not agreed to.

Mr. Flood, from the committee on Enrolled Bills, reported that, on this day, bills of the following titles were laid before the Council of Revision, viz:

"An act to change the name of the town of Savannah, in the county of Warren;"

"An act to provide for the appointment of additional judges of elections in Coles and other counties;"

"An act to amend the several acts incorporating the town of Galena;"

"An act to incorporate the Central Seminary of Illinois;"

"An act to authorize Reuben and Sullivan L. Haines to raise a mill-dam across the Mackinaw river;"

"An act to prohibit betting on elections;"

"An act to incorporate the Mount Vernon Academy;"

"An act of incorporation for the Upper Alton Manufacturing Company;"

"An act to authorize the county commissioners' courts to recover certain moneys by them heretofore loaned;"

"An act to amend an act entitled, 'An act regulating elections,' in force, June 1st, 1829;"

"An act to incorporate New Haven, in Gallatin and White counties;"

"An act in relation to the town of Springfield;"

"An act to authorize James S. Gifford and Samuel J. Kimball to build a dam across Fox river;"

"An act to repeal part of 'An act to incorporate the city of Chicago;' and

"An act supplemental to an act, entitled 'An act to amend an act for the limitation of actions and for avoiding vexatious law suits.'"

And also that a bill, entitled "An act to establish the counties of Menard, Logan, and Dane," is correctly enrolled, and that said bill was this day laid before the Council of Revision."

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House that they have passed bills of the following titles:

"An act to relocate part of a certain State road therein named;"

"An act to lay out a State road from Shelbyville, in Shelby county, to Decatur, in Macon county."

In the passage of which they ask the concurrence of the House of Representatives.

They have also concurred with them in the passage of a bill, entitled "An act to change part of the State road leading from Equality to Vienna."

They have refused to order to a third reading the bill from the House of Representatives for "An act repealing all laws in relation to a State road, leading from William Crow's, in Morgan county, to Musick's bridge, in Sangamon county."

They have concurred with the House of Representatives in the passage of the bill for "An act concerning a State road in Wabash county," as amended by them; in which amendments they ask the concurrence of the House.

They have amended the title thereof, so as to make it read, "An act concerning certain State roads in the counties of Wabash and Lawrence;" in which they ask the concurrence of the House.

They have also concurred with the House of Representatives in the passage of the bills, entitled "An act to extend the corporate powers of the town of Pekin;" and

"An act to relocate the seat of justice in the county of Iroquois," as amended by them; in which amendments they ask the concurrence of the House of Representatives.

And then he withdrew.

The question pending when the House adjourned on yesterday, being on the motion of Mr. Happy to amend the resolution of the Senate, relative to the election of certain officers, by striking out the words, "Commissioners of the Board of Public Works, in the first, second, third, fourth, fifth, sixth, and seventh circuits," and inserting, in lieu thereof, the words, "five Commissioners of the Board of Public Works," again coming up for consideration,

The question was taken thereon, by yeas and nays, and decided in the affirmative, on the call of Messrs. Happy and Dawson, as follows:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Greene, Cloud, Compher, Copland, Daley, Dubois, Elkin, Elliott, Ficklin, Fisk, Flood, Foster, French, Gilham, Gouge, Green of Greene, Hankins, Happy, Harris, Henry, Holmes, Houston, Jarrott, Johnson, Jones, Kerr, Lyons, McCormick, McMillan, McWilliams, Menard, Morgan, Murphy of Vermilion, Otwell, Pace, Philips, Roberts, Robinson, Roman, Stapp, Thomas of St. Clair, Webb of Alexander, and Williams—44.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Franklin, Archer, Baker, Brown, Calhoun, Churchill, Craig, Crain, Cunningham, Dawson, Dunn, Edmonston, Edwards, Emerson, Green of Clay, Henderson, Huey, Kent, Kercheval, Lincoln, Logan, McCutchen, Marshall, Moore, Murphy of Cook, Murphy of Perry, Naper, Rawalt, Smith of Wabash, George Smith, Robert Smith, Thomas of McLean, Thornton, Walker of Fulton, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—40.

Mr. Naper moved to amend the resolution, by striking out all that relates to the Commissioners of the Board of Public Works; which was not agreed to.

Mr. Aldrich moved to lay it on the table; not agreed to.

On motion of Mr. Elkin,

The vote taken yesterday on his motion to amend, by striking out the words "one Fund Commissioner," was reconsidered.

Mr. Elkin, on leave given, withdrew his motion.

Mr. Edmondston renewed the motion: the question was taken thereon, and decided in the negative,

Mr. Dawson moved to lay on the table so much of the resolution as relates to the Commissioners of the Board of Public Works; not agreed to.

Mr. Calhoun moved to strike out all between the words, "treasurer to said Board," and the words, "and directors," exclusive of said words.

Mr. Edwards called for a division of the question, so as to take the vote separately on striking out the words, "five Commissioners of the Board of Public Works."

The question was put upon striking out those words, and decided in the affirmative.

The question was then put on striking out the words, "one Fund Commissioner," and decided in the affirmative.

On motion of Mr. Rawalt,

The resolution was laid upon the table.

The Speaker laid before the House a communication from William Kinney, President of the Board of Public Works, transmitting sundry reports of the individual Commissioners, in compliance with a resolution passed by the House some time since.

On motion of Mr. Rawalt,

The communication and accompanying documents were laid upon the table.

Mr. Murphy of Vermilion moved that one thousand copies of the communication and accompanying documents be ordered to be printed; not agreed to.

Mr. Otwell moved to print five hundred copies; not agreed to.

Mr. George Smith moved one hundred and fifty copies.

Mr. Churchill moved one hundred copies.

The question was taken, severally, on the two motions; and decided in the negative.

Mr. Murphy of Cook moved that they be printed; which was not agreed to.

The objections of the Council of Revision to the bill for "An act to vacate the plat of the town of Savannah, in Iroquois county," were taken up and read, and,

On motion of Mr. Murphy of Vermilion,

Referred to a select committee.

*Ordered*, That Messrs. Murphy, Roberts, and Hardin, be that committee.

The bill from the Senate for "An act to change a part of the Grand View and Terre Haute road, in the county of Edgar," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Pace,

It was read a second time by its title, and

*Ordered* to a third reading.

The bill from the Senate, entitled "An act declaring the road from Jacksonville to Springfield a State road," was read the first time.

On motion of Mr. Edwards,

It was read a second and third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

The bill from the Senate for "An act for the relief of Calhoun county," was twice read, and,

On motion of Mr. Allen of Greene,

Referred to a select committee.

*Ordered*, That Messrs. Allen of Greene, Kerr, and Cloud, be that committee.

The bill from the Senate for "An act to resurvey the town of Mount Vernon," was twice read, and,

On motion of Mr. Pace,

Referred to a select committee.

On his further motion,

The vote just taken was reconsidered, and the bill

*Ordered* to a third reading.

The bill from the Senate for "An act to incorporate the La Salle Charity Hospital," was twice read, and,

On motion of Mr. Naper,

Referred to the committee on Canals and Canal Lands.

The amendments of the Senate to the bill for "An act to constitute the town of Manchester a justice's and constable's district," were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Hardin moved to dispense with the rules, and take up the general orders of the day; which was not agreed to.

The bill from the Senate, entitled "An act to increase the corporate powers of the town of Liberty," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Jones,

The rule of the House was dispensed with, and the bill read the second time by its title, and

*Ordered* to a third reading.

On motion of Mr. Naper,

The rule was further dispensed with, and the bill read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the clerk inform the Senate thereof.

The amendments of the Senate to the bill from the House, entitled "An act to relocate the seat of justice of Livingston county," were read.

Mr. Moore called for a division of the question upon the amendments.

The question was then taken on the first amendment, and not agreed to.

The question was then taken on the second amendment, and agreed to:

*Ordered*, That the Clerk inform the Senate thereof.

The amendments of the Senate to the bill for "An act regulating evidence in certain cases," were read.

Mr. Walker of Vermilion called for a division on the amendments of the Senate.

The question was then taken on each amendment separately, and agreed to.

*Ordered*, That the Clerk inform the Senate thereof.

The amendments of the Senate to the bill from the House, entitled "An act to authorize Henry W. Cleaveland to build a toll-bridge across the Winnebago swamp," were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The amendments of the Senate to the bill from the House, entitled "An act to vacate certain alleys in the town of Tremont," were read.

On motion of Mr. Maus,

The bill and amendments were laid on the table.

The amendments of the Senate to the bill from the House, entitled "An act to incorporate the Warsaw University of Illinois," were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The bill from the Senate, entitled "An act to authorize A. and S. S. Phelps to establish a ferry across the Mississippi river, at the town of Aquawka," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Stapp,

The rule of the House was dispensed with, and the bill read the second time by its title, and

*Ordered* to a third reading.

On the further motion of Mr. Naper,

The rule of the House was dispensed with, and the bill read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

The bill from the Senate, entitled "An act in addition to the several acts authorizing and regulating the sale of school lands," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Rawalt,

The rule of the House was dispensed with, and the bill read a second time by its title, and referred to the committee on Education.

The bill from the Senate, entitled "An act to locate a State road from the Indiana line, northwest, in a direction to Mineral Point," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Naper,

The rule of the House was dispensed with, and the bill read a second time by its title, and,

On motion of Mr. Craig,

Referred to a select committee.

*Ordered* That Messrs. Craig, Naper, and Churchill, be that committee.

The bill from the Senate, entitled "An act to locate a State road therein named," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Pace,

The rule of the House was dispensed with, and the bill read a second time by its title, and, on his further motion, referred to a select committee.

*Ordered*, That Messrs. Pace, Wood, and Allen of Franklin, be that committee.

The bill from the Senate, entitled "An act authorizing the building of a bridge across the Des Plaines river," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Naper,

The rule of the House was dispensed with, and the bill read a second time by its title, and

*Ordered* to a third reading.



On the further motion of Mr. Naper,

The rule of the House was again dispensed with, and the bill read a third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

The bill from the Senate, entitled "An act to authorize the Governor to commission the sheriff of Schuyler county," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Rawalt,

The rule of the House was dispensed with, and the bill read a second time by its title, and,

On motion of Mr. Brown,

Referred to a select committee.

*Ordered*, That Messrs. Brown, Happy, and Lincoln, be that committee.

The bill from the Senate, entitled "An act to define the manner of proceeding in petitioning the General Assembly for locating or altering State roads," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. George Smith,

The rule of the House was dispensed with, and the bill read the second time by its title, and,

On motion of Mr. Moore,

Referred to the committee on State roads.

The bill from the Senate, entitled "An act to amend 'An act to provide for the taking of the census, or enumeration of the inhabitants of the State,' approved January 13, 1829," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Rawalt,

The rule of the House was dispensed with, and the bill read a second time by its title.

On motion of Mr. Ficklin,

The bill was laid upon the table until the fourth day of July next.

*Ordered*, That the Clerk inform the Senate thereof.

The bill from the Senate, entitled "An act to amend an act, entitled 'An act to incorporate the Jo Daviess Marine and Fire Insurance Company,'" was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Craig,

The rule of the House was dispensed with, and the bill read the second time by its title, and

*Ordered* to a third reading.

On the further motion of Mr. Craig,

The rule of the House was further dispensed with, and the bill read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

The bill from the Senate, entitled "An act relating to service of process against corporations," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Ficklin,

The rule of the House was dispensed with, and the bill read a second time by its title, and

*Ordered* to a third reading.

The bill from the Senate, entitled "An act respecting section sixteen, in township two south, in range fourteen west, in Edwards county," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Emmerson,

The rule of the House was dispensed with, and the bill read a second time by its title, and, on his motion,

Referred to a select committee.

*Ordered*, That Messrs. Emmerson, Philips, and Robinson, be that committee.

The bill from the Senate, entitled "An act to amend the 'Act incorporating the Canton and Picketon Railroad Company,'" was read the first time, and

*Ordered* to a second reading.

The bill from the Senate, entitled "An act to authorize the county commissioners of Peoria county to change a certain State road," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Compher.

The rule of the House was dispensed with, and the bill read a second and third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the the Senate thereof.

The bill from the Senate, entitled "An act to locate a certain road therein named," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Maus,

The rule of the House was dispensed with, and the bill read the second time by its title, and,

On motion of Mr. Compher,

Referred to a select committee.

*Ordered*, That Messrs. Compher, Rawalt, and Maus, be that committee.

The bill from the Senate, entitled "An act to incorporate the Shawneetown Academy, in Gallatin county," was twice read, and

*Ordered* to a third reading.

On motion of Mr. Baker,

The rules were dispensed with, and leave given him to introduce the following resolution, which was adopted:

*Resolved*, That the Board of Public Works be respectfully requested to furnish this House, at their earliest convenience, with the following information: Whether any agent has been appointed by them to purchase iron for the State; if so, his name, the date of his appointment, and his instructions; whether any funds were allotted for his expenses; if so, what sum, and when received; whether said sum has been expended, or any part thereof; whether any part thereof has been returned; and whether any iron was purchased by said agent; if so, how much; and if not, why not."

The bill from the Senate for "An act to incorporate the Union Agricultural Society," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Kercheval,

It was read the second time by its title, and

*Ordered* to a third reading

On motion of Mr. Edwards,

It was read a third time by its title, and passed.

*Ordered*, That the title thereof be as aforesaid, and that the Clerk inform the Senate of the passage thereof.

On motion of Mr. Archer,

The rules were dispensed with and leave given to introduce a report from a committee.

Mr. Archer, from the committee on State Roads, to which were referred sundry petitions, reported a bill for "An act to locate and establish, and alter, change, and relocate State roads."

Mr. Stapp moved that the House adjourn until 7 o'clock, P. M.; when,

On motion of Mr. Naper,

The House adjourned.

## FRIDAY, FEBRUARY 15, 1839.

House met pursuant to adjournment.

On motion of Mr. Lincoln,

The rule of the House was dispensed with, for the purpose of enabling select committees to make their reports.

The question pending yesterday forenoon when the House adjourned, being on the motion of Mr. Thornton to refer to the committee on the Judiciary, with instructions, the bill for "An act for the relief of John Winstanly and Hugh Duffy," coming up for consideration,

The question was put, and decided in the negative.

On motion of Mr. Smith of Wabash,

The bill was amended, by adding the following:

"*Provided*, That said payment shall be made out of the special appropriation made for the American bottom division of the said work."

The question was then put—"Shall the bill be engrossed and read the third time?"

And decided in the affirmative, by yeas and nays, upon the call of Messrs. Ficklin and Murphy of Perry, as follow:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Calhoun, Churchill, Compher, Copland, Dawson, Edwards, Elliott, Flood, Gilham, Gouge, Green of Greene, Happy, Hardin, Henderson, Henry, Holmes, Houston, Hull, Jarrott, Johnson, Jones, Kercheval, Kerr, Lincoln, Logan, Lyons, McCormick, McMillan, McWilliams, Menard, Morgan, Murphy of Cook, Otwell, Philips, Roberts, Roman, George Smith, Robert Smith, Thomas of McLean, Thomas of St. Clair, Webb of Alexander, Williams, and Mr. Speaker—46.

Those who voted in the negative, are,

Messrs. Aldrich, Archer, Bainbridge, Brown, Cloud, Craig, Cunningham, Dunn, Edmonston, Elkin, Emmerson, Ficklin, Fisk, Foster, French, Green of Clay, Hankins, Huey, Kent, McCutchen, Marshall, Moore, Murphy of Perry, Murphy of Vermilion, Naper, Pace, Rawalt, Read, Robinson, Stapp, Thornton, Walker of Fulton, Walker of Vermilion, Wood, and Zimmerman—36.

Messrs. Maus and Smith of Wabash were excused from voting on the engrossment of the foregoing bill.

On motion of Mr. Henry,

Mr. Happy was excused from serving on the select committee to which were referred the petitions from Morgan county, in relation to the re-election of Murray McConnel, as Commissioner of the Board of Public Works.

Mr. Henry, from the select committee to which were referred sundry petitions of Morgan county, relative to the re-election of Murray McConnel, as Commissioner of the Board of Public Works, made a report thereon; which was read, and,

On motion of Mr. Hardin,

Laid on the table.

Mr. Lincoln, from the select committee to which was referred the bill for "An act for the relief of the clerk of the circuit court of Sangamon county," reported the same with amendments; which were read and concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Flood, from the select committee to which was referred the bill from the Senate, entitled "An act to incorporate the town of Quincy," reported the same with sundry amendments; which were read and concurred in.

The bill was then

*Ordered* to a third reading.

On motion of Mr. Williams,

The rule of the House was dispensed with, and the bill read the third time by its title, and passed

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. Naper, from the select committee to which were referred a certain petition and remonstrance, reported a bill for "An act to repeal part of 'An act to incorporate the town of Juliet and define its boundaries,'" which was twice read, and,

On motion of Mr. Murphy of Cook,

Laid on the table.

Mr. Edmonston, from the select committee to which was referred the bill for "An act to locate a State road from Ellisville to Appanoose," reported the same without amendment.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Otwell from the select committee to which were referred the bill, for "An act to amend an act, entitled 'An act to incorporate the city of

Alton," and also the petition of John T. Lusk, B. Stedman, and others, reported a substitute for the original bill; which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Robert Smith,

The rule of the House was dispensed with, and the bill read a second time by its title.

Mr. Otwell moved to lay the bill on the table; which was not agreed to.

On motion of Mr. Robert Smith,

The bill was amended, by striking out the sixth section, and inserting, in lieu thereof, the following:

"SEC. 6. There shall be a poll opened in every justice's and constable's precinct in the county of Madison, at the August election in 1839, at which election the legal voters of said county may vote for or against abolishing the Municipal Court of the city of Alton; which votes shall be returned to the clerk of the county commissioners' court, and counted as is now provided by law. If a majority of all the legal votes given at said election are in favor of abolishing said court, then the said court shall be, and the same is hereby, abolished."

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Emmerson, from the select committee to which was referred a certain petition, reported a bill for "An act to authorize a relocation of a certain State road therein named;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Harris, from the select committee to which was referred a bill for "An act in relation to executions," reported the same back to the House, and recommended its rejection.

On the question—"Shall the bill be engrossed for a third reading?"

It was decided in the negative.

Mr. Fisk, from the select committee to which was referred a certain petition, reported a bill for "An act to appoint an additional notary public in the county of Montgomery;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Hankins, from the select committee to which was referred a certain petition, reported a bill for "An act to establish a State road from Joseph Huey's, in Clinton county, to the northeast corner of Fayette county;" which was twice read, and

*Ordered* to be engrossed for a third reading.

A message from the Senate, by Mr. Bond, their Secretary:

Mr. Speaker: The Senate have concurred with the House in the passage of bills, entitled "An act to incorporate the Des Moines Rapids Railroad Company;" and

"An act supplemental to 'An act to authorize Ezra Baker jr., to erect mill dam near Coffee island, on the Great Wabash river.'"

And then he withdrew.

Mr. Murphy of Perry, from the select committee to which was referred a certain petition, reported a bill for "An act authorizing the sale of certain real estate therein named;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Compher, from the select committee to which was referred the bill from the Senate, entitled "An act to legalize the survey of certain State roads," reported the same without amendment.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Allen of Greene, from the select committee to which was referred the bill from the Senate, entitled "An act for the relief of Calhoun county," reported the same with an amendment; which was read and concurred in.

The bill was then

*Ordered* to a third reading as amended.

Mr. Walker of Vermilion, from the select committee to which was referred the bill for "An act to incorporate the Chicago and Danville Railroad Company," reported the same with amendments; which were read and concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Crain, from the select committee to which was referred the bill for "An act to relocate a part of the State road from Mount Vernon to Nashville," reported the same without amendment.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Williams from the select committee to which was referred the bill for "An act to amend the several acts concerning justices of the peace and constables," reported the same with amendments; which were read and concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Johnson, from the select committee to which was referred a certain petition, reported a bill for "An act for the benefit of the town of Greenville;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Craig, from the select committee to which was referred the bill for "An act for the benefit of the counties therein named," reported the same with amendments; which were read and concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Murphy of Vermilion, from the select committee to which was referred the bill for "An act to vacate the plat of the town of Savannah in Iroquois county," together with the objections of the Council of Revision to the same becoming a law, reported an amendment; which was read and concurred in.

The bill was then repassed.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk again carry said bill to the Senate, and ask their concurrence in the repassage of the said bill.

Mr. Archer, from the select committee to which were referred several resolutions in relation to the location and continuation of the Cumberland road in this State, made a report thereon, and proposed for adoption the following resolutions, viz:

*Resolved by the General Assembly of the State of Illinois, That Congress have the right, and the assent of this State is hereby given to the General Government, to locate and construct the national road to Alton, or such other point on the Mississippi river as Congress in their wisdom may conceive proper and most conducive to the interest of the nation, and general welfare of the Union.*

*Resolved, That our Senators in Congress be instructed, and our Representatives be requested, to use all their influence to have the national road located to Alton, or such other point on the Mississippi river as may be determined on by Government.*

Mr. Calhoun moved that the report of the select committee just made be postponed: that the rule of the House be dispensed with, to enable him to make a report; which was agreed to; when,

Mr. Calhoun from the committee on Public Accounts and Expenditures, to which was referred the bill, entitled "An act making appropriations for the years 1839 and 1840," reported the same with sundry amendments; when,

On motion of Mr. Dawson,

The bill and proposed amendments were referred to the committee of the Whole House, and made the special order of the day for 2 o'clock to-morrow.

And then the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Edwards moved to dispense with the rules, so as to permit Mr. Hankins to make a report from the committee on Public Buildings and Grounds.

Mr. Allen of Greene moved to dispense with the rules, and receive reports from all standing and select committees.

The question was taken on the last motion, and decided in the negative.

The question was then taken on the motion made by Mr. Edwards, and decided in the affirmative.

Mr. Hankins, from the committee on Public Buildings and Grounds, to which was referred the bill from the Senate for "An act disposing of the public property in Vandalia," reported the same without amendment; and it was

*Ordered* to a third reading.

On motion of Mr. Elkin,

The rules were dispensed with, and the bill read a third time, and passed.

*Ordered, That the title thereof be as aforesaid, and that the Clerk inform the Senate thereof.*

On motion of Mr. Ficklin,

The rules were further dispensed with, and the committee of the Whole House discharged from the further consideration of the bill for an act to amend 'An act to establish and maintain a general system

of internal improvement,' and to provide for the reduction of the number of Fund Commissioners and Engineers in this State, and to define their duties."

On his further motion, the bill was referred to a select committee.

*Ordered*, That Messrs. Ficklin, French and Thornton, be that committee.

On motion of Mr. Hardin,

The rules were further dispensed with, and the general orders of the day were taken up.

The bills from the Senate, entitled

"An act relating to service of process against corporations;"

"An act to change a part of the Grand View and Terre Haute road, in the county of Edgar;"

"An act to resurvey the town of Mount Vernon;" and

"An act to incorporate the Shawneetown Academy, in Gallatin county;"

Were severally read a third time, and passed.

*Ordered*, That the titles of said bills be as aforesaid, and the Clerk inform the Senate thereof.

The bills from the Senate, entitled

"An act authorizing the location of a State road through parts of Vermilion and Champaign counties;"

"An act to incorporate the German Library Society of St. Clair county;"

"An act to incorporate the Chester Insurance Company;" and

"An act to amend the several laws in relation to appeal bonds and the trial of appeals;"

Were severally read a third time as amended, and passed.

*Ordered*, That the titles thereof be as aforesaid, that the Clerk inform the Senate of the concurrence of the House in the passage thereof, as amended, and ask the concurrence of the Senate in the amendments of the House of Representatives.

Mr. Flood, from the committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles, viz:

"An act concerning the public revenue of the county of Knox;"

"An act supplemental to the act, entitled 'An act to define the extent of possession in cases of settlement on the public lands,' approved February 27, 1837;"

"An act to locate a State road from Jonesboro, in Union county, to William T. Ryburn's, in Franklin county;"

"An act to authorize the county commissioners' courts of the counties of Cook, Washington, and Clinton to effect loans;"

"An act establishing ferries on school lands for the use of the inhabitants of townships;"

"An act to authorize Philip Jarboe and Harvey M. Jarboe to establish a ferry across the Illinois river;"

"An act to incorporate the La Salle Prairie Company;"

"An act to authorize a change in a certain State road therein named;"

"An act to locate a State road from Naperville, in Cook county, to Indian creek, in McHenry county;"

"An act declaring the Mauvaise-terre creek a navigable stream;"



"An act to change the name of the town of Mechanicsburg, in St. Clair county;"

"An act to authorize the county commissioners of Peoria and other counties to lease certain offices;"

"An act to locate a State road from Thornton to Lockport, Plainfield, and Blackberry creek;"

"An act declaring Mill and Big creeks navigable, in Clark county;"

"An act to change a part of the State road from Vandalia to Salem;"

"An act to change the name of Augusta, in Pike county;" and

"An act to legalize the survey of the town of Carthage."

The bill from the Senate for "An act, entitled an act to amend 'An act prescribing the mode of summoning grand and petit jurors, and defining their qualifications and duties,'" was read a third time as amended.

Mr. Johnson moved to strike out all that relates to an allowance of mileage to the jurors; which was not agreed to.

On motion of Mr. Rawalt,

That part of the first section relating to mileage was amended, by striking out the word "daily," and inserting the words, "according to the distance to and from court," in lieu thereof.

The bill, as amended, was then passed.

*Ordered*, That the title of said bill be as aforesaid, that the Clerk inform the Senate of the passage thereof, as amended by the House, and ask the concurrence of the Senate in said amendments.

The engrossed bills, entitled

"An act to incorporate the Warsaw Railroad Company;"

"An act to incorporate the Mount Carmel Manufacturing Company;"

"An act for the relief of E. Tankersley;"

"An act to authorize the county commissioners' court of St. Clair county to change State roads in said county;"

"An act to authorize the commissioners of Crawford county to appoint persons to locate a certain road therein named;"

"An act to amend the law in relation to sheriffs and coroners;"

"An act for the benefit of John W. Spencer and David B. Sears of Rock Island county;" and

"An act to authorize Joshua Vandruff to establish a ferry across Rock river at Vandruff's island;"

Were severally read a third time, and passed

*Ordered*, That the titles of the same be as aforesaid, that the Clerk inform the Senate thereof, and ask their concurrence therein.

The engrossed bill for "An act to establish the county of Stark," was read a third time:

The question was put—Shall the bill pass?"

And decided in the negative.

The engrossed bill, entitled "An act to authorize the Board of Public Works to survey and construct the continuation of certain railroads within the State of Indiana," was read a third time.

Mr. Archer moved to amend, by adding the following, as an additional section:

"Sec. The Board of Public Works shall, so soon as practicable in the spring, cause to be located the turnpike road, from Charleston, in Coles county, through Marshall to Darwin, on the Wabash river, and

put the same under contract; and the sum of one hundred thousand dollars is hereby appropriated out of the internal improvement fund to construct said road."

The question was taken thereon, by yeas and nays, on the call of Messrs. Archer and Murphy of Vermilion, and decided in the negative, as follow:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Greene, Archer, Baker, Churchill, Compher, Craig, Cunningham, Dawson, Edwards, Elkin, Ficklin, Gouge, Green of Clay, Green of Greene, Hankins, Harris, Henderson, Houston, Kent, Kercheval, Lyons, McCutchen, Maus, G. Smith, R. Smith, Stapp, Walker of Fulton, Walker of Vermilion, Webb of Alexander, Williams, and Mr. Speaker—32.

Those who voted in the negative, are,

Messrs. Aldrich, Brown, Cloud, Copland, Crain, Daley, Edmonston, Elliott, Emmerson, Fisk, Foster, Gilham, Happy, Hardin, Henry, Holmes, Huey, Hull, Jarrott, Jones, Kerr, Logan, McCormick, McMillan, McWilliams, Marshall, Moore, Morgan, Murphy of Cook, Murphy of Vermilion, Naper, Otwell, Pace, Roberts, Robinson, Roman, Thomas of McLean, Thomas of St. Clair, Thornton, and Zimmerman—40.

Mr. Archer moved to lay the bill on the table; not agreed to.

The question was then put—"Shall the bill pass?"

And decided in the affirmative, by yeas and nays, upon the call of Messrs. Webb of Alexander and Copland, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Brown, Calhoun, Craig, Crain, Cunningham, Dawson, Edmonston, Edwards, Elkin, Elliott, Emmerson, Ficklin, Fisk, Flood, French, Green of Clay, Harris, Houston, Huey, Kent, Kercheval, Logan, Lyons, McCormick, McMillan, Maus, Moore, Murphy of Perry, Murphy of Vermilion, Naper, Rawalt, Roberts, Robinson, Thornton, Walker of Vermilion, Zimmerman, and Mr. Speaker—40.

Those who voted in the negative, are,

Messrs. Allen of Greene, Archer, Baker, Bainbridge, Cloud, Compher, Copland, Daley, Dunn, Foster, Gilham, Green of Greene, Hankins, Happy, Hardin, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kerr, McCutchen, McWilliams, Marshall, Menard, Morgan, Otwell, Pace, Philips, Roman, Stapp, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Webb of Alexander, and Williams—37.

*Ordered* That the title of said bill be as aforesaid, that the Clerk inform the Senate of the passage thereof, and ask their concurrence therein.

The bills for "An act to amend 'An act to incorporate the Quincy, Griggsville, Jacksonville, and Springfield Turnpike Company,'" and "An act to vacate the town plat of East Lockport," were severally read a second time, and

*Ordered* to be engrossed for a third reading.

The bill for "An act directing a resurvey and location of all that part of the Central railroad south of Vandalia," was read a second time.

Mr. Zimmerman moved to postpone it indefinitely.

Mr. Pace moved to amend the bill, by striking out all after the enacting clause, and inserting the following:

"That the Central railroad, south of Vandalia, shall be so located as to pass through Salem, Mount Vernon, and Frankfort: and the Board of Public Works shall cause a survey to be made from Frankfort, via Vienna, and from thence to some eligible point on the Ohio river; and they shall also cause another survey to be made from Frankfort to some point on the Central railroad as already located: and the Board of Public Works shall cause a permanent location to be made of said road, south of Frankfort, on the route that may be deemed most conducive to the public good."

Mr. Craig moved that the House adjourn; which was not agreed to.

Mr. Edwards moved that the House until 7 o'clock, P. M.

Mr. Naper moved that the House adjourn.

The question was taken on the last motion, and decided in the negative.

And the House adjourned until 7 o'clock, P. M.

#### SEVEN O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Roman, from the committee on Engrossed Bills, reported, as correctly engrossed, the bill for "An act authorizing the improvement of Big Muddy river."

The question pending at the adjournment of the House, being upon the motion made by Mr. Pacc, to amend the bill for "An act directing resurvey and location of all that part of the Central railroad south of Vandalia," again coming up for consideration:

Mr. Zimmerman moved to postpone indefinitely the bill and the amendment:

And, after some discussion had thereon,

The House adjourned.

#### SATURDAY, FEBRUARY 16, 1839.

House met pursuant to adjournment.

Mr. Dubois asked and obtained leave to record his vote upon the bill yesterday passed, entitled "An act to authorize the Board of Public Works to survey and construct the continuation of certain railroads within the State of Indiana."

Mr. Dubois voted in the affirmative, on the amendment proposed by Mr. Archer, and in the negative on the passage of the bill.

On motion of Mr. Edmonston,

The rules were dispensed with, in order to receive the reports of select and standing committees.

The question pending when the House adjourned yesterday forenoon, being on the adoption of the resolutions relative to the Cumberland

road, in this State, reported by the select committee to which certain resolutions on that subject had been referred, again coming up for consideration,

On motion of Mr. Pace,

They were referred to the committee of the Whole House, and made the special order of the day for Monday next.

Mr. Kent, from the select committee to which was referred a certain petition, reported a bill for "An act to authorize George W. Brinkerhoof and others to establish a ferry across Rock river;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Kent, from the select committee to which was referred a certain petition, reported a bill for "An act to establish the Mississippi Ferry Company at Savannah, and for other purposes;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Huey, from the select committee to which was referred a certain petition, reported a bill for "An act to authorize Elizabeth Middleton to keep a ferry across the Kaskaskia river on section 16, township 1 south, range 5 west, and for other purposes;" which was twice read.

Mr. Crain moved to refer the bill to the committee on Education.

Mr. Geo. Smith moved to refer it to the committee on the Judiciary.

The question was then taken on referring the bill to the committee on Education, and decided in the negative.

The bill was then referred to the committee on the Judiciary.

Mr. Copland, from the select committee to which was referred a certain petition, reported a bill for "An act to establish a State road from Jameson's ferry, in Pope county, to Cape Girardeau;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Hankins, from the select committee to which was referred the bill from the Senate, entitled "An act to authorize John A. McClanahan to build a mill-dam in Fayette county," reported the same with amendments; which were read and concurred in.

The bill was then

*Ordered* to a third reading as amended.

On motion of Mr. Hankins,

The rule of the House was dispensed with, and the bill read a third time by its title, and passed as amended.

On motion of Mr. Hankins,

The title of the bill was amended, so as to read, "An act to authorize John A. McClanahan, William James, George F. Stolle, and Frederick Reeman, to build mill-dams in Fayette county;"

*Ordered*, That the title of the bill be as amended, that the Clerk carry said bill to the Senate, and ask their concurrence in the amendments of the House to said bill and title.

Mr. George Smith, from the select committee to which was referred a certain petition, reported a bill for "An act to repeal an act, entitled 'An act to incorporate the town of Upper Alton;'" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Copland, from the select committee to which was referred a certain petition, reported a bill for "An act to establish a State road in Alexander county;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Emmerson, from the select committee to which was referred the bill from the Senate, entitled "An act respecting section 16, in township 2 south, in range 14 west, in Edwards county," reported the same without amendment.

The bill was then

*Ordered* to a third reading.

A message from the Council of Revision, by Mr. McLean, their Secretary:

"*Mr. Speaker:* The Council of Revision have approved of the following acts, viz:

"An act in relation to the town of Springfield;"

"An act to establish the counties of Menard, Logan, and Dane;"

"An act to repeal part of 'An act to incorporate the city of Chicago;'"

"An act to authorize James S. Gifford and Samuel J. Kimball to build a dam across Fox river;"

"An act to authorize Reuben and Sullivan L. Haines to raise a mill-dam across the Mackinaw river;"

"An act to legalize the sale of section sixteen, in township nine north of range two east, in the county of Knox;" and

"An act regulating the time of holding the circuit courts in the second judicial circuit;"

And then he withdrew.

Mr. Gouge, from the select committee to which was referred a certain petition, reported a bill for "An act for the relief of John McMennaway, late sheriff of Macon county;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Gouge,

It was read a second time by the title, and

*Ordered* to be engrossed for a third reading.

Mr. Hull, from the select committee to which was referred a certain petition, reported a bill for "An act to provide for the relocation of a State road therein named;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Flood, from the committee on Enrolled Bills, reported that the bills reported by said committee on yesterday, as correctly enrolled, were, on yesterday, laid before the Council of Revision.

Mr. Roman, from the committee on Engrossed Bills, reported as correctly engrossed, the bill for "An act concerning the public revenue."

Mr. Ficklin, from the select committee to which was referred the bill for "An act to amend 'An act to establish and maintain a general system of internal improvement,' and to provide for the reduction of the number of Fund Commissioners and engineers in this State, and to define their duties," reported the same with sundry amendments; which were read.

Mr. Craig moved to refer the bill and amendments to the committee of the Whole House, and make them the special order of the day for this evening, at 7 o'clock, P. M.; when,

On motion of Mr. Dawson,

They were laid on the table.

Mr. Thomas of St. Clair, from the select committee to which was referred the bill from the Senate for "An act to extend the corporate powers of the president and trustees of the town of Belleville," reported the same without amendment; and it was

*Ordered* to a third reading.

Mr. Maus, from the select committee to which was referred the bill from the Senate for "An act to locate a certain road therein named," reported the same without amendment; and it was

*Ordered* to a third reading.

Mr. Pace, from the select committee to which was referred the bill from the Senate, for "An act to locate a State road therein named," reported the same with an amendment; which was read and concurred in, and the bill, as amended,

*Ordered* to a third reading.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have concurred with the House of Representatives in the amendment to the bill for "An act to establish the county of Scott;" and also, in the passage of said bill as amended. And he withdrew.

On motion of Mr. Otwell,

The House rescinded its vote, taken yesterday, on the passage of the bill for "An act to establish the county of Stark."

The question was again put—"Shall the bill pass?"

And decided in the negative.

Mr. Moore, from the committee on Counties, to which were referred petitions and remonstrances from sundry citizens of Tazewell and McLean counties, praying the formation of a new county, reported the same, and asked to be discharged from the further consideration thereof; which was granted.

Mr. Craig, from the committee on the Judiciary, reported a bill for "An act to authorize Nathaniel G. Wilcox and his associates to establish a ferry across the Mississippi river, at the most convenient point opposite the town of Bloomington;" which was twice read, and

*Ordered*, to be engrossed for a third reading.

Mr. Dubois, from the committee on Elections, reported the following resolution:

*"Resolved by the General Assembly of the State of Illinois, (two-thirds concurring herein) That it be recommended to the electors of the State of Illinois, at the next general election for members of the General Assembly, to vote for or against a convention to amend the constitution of this State."*

Mr. Johnson moved to amend, by striking out all after the word "resolved," and inserting the following:

*"That the committee on the Judiciary be instructed to point out to this Legislature such defects as they may discover in the constitution, and what amendments should be made, and report the same to this House as soon as practicable;"* which was not agreed to.

Mr. Henderson moved to refer it to a committee of the Whole House, and make it the special order of the day for Tuesday next.

Mr. Smith of Wabash moved the previous question.

The question was taken—"Shall the main question be now put?"

And decided in the affirmative.

The question was then taken on the adoption of the resolution, and decided in the affirmative, by yeas and nays, on the call of Messrs. Crain and Murphy of Cook, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Greene, Calhoun, Churchill, Cloud, Compher, Copland, Craig, Dawson, Dubois, Edmonston, Edwards, Elkin, Elliott, Ficklin, Fisk, Flood, French, Gilham, Green of Clay, Green of Greene, Happy, Hardin, Henderson, Henry, Holmes, Houston, Huey, Hull, Jones, Kent, Kerr, Logan, McCormick, McMillan, McWilliams, Maus, Moore, Naper, Otwell, Rawalt, Read, Roberts, Robinson, Smith of Wabash, George Smith, R. Smith, Stapp, Thomas of Mc Lean, Walker of Fulton, Webb of Alexander, Williams, and Mr. Speaker—54.

Those who voted in the negative, are,

Messrs. Allen of Franklin, Archer, Baker, Bainbridge, Brown, Crain, Cunningham, Dunn, Emmerson, Foster, Gouge, Hankins Harris, Jarrott, Johnson, Kercheval, Lincoln, Lyons, McCutchen, Marshall, Menard, Morgan, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Pacc, Philips, Roman, Thomas of St. Clair, Thornton, Walker of Vermilion, Wood, and Zimmerman—33.

The question being suggested; whether a vote of two-thirds of this House were necessary in order to send the resolution to the Senate, the Speaker suspended his decision thereon, until Monday next, with leave of the House.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which were referred portions of the messages of the late and present Executive, and several resolutions from this House on the subject of internal improvements, made a detailed report thereon; when

The House adjourned until 2 o'clock, P. M.

#### TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Craig moved to dispense with the rules, and take up the report made by Mr. Smith of Wabash, from the committee on Internal Improvements, just before the House adjourned; which was agreed to.

On his further motion,

The report was laid on the table, and three thousand copies thereof ordered to be printed: two thousand of said copies to be bound with the Journal.

Mr. Crain, from the committee on Engrossed Bills, reported, as correctly engrossed, bills of the following titles:

"An act to incorporate the Fulton County Mutual Fire Insurance Company;"

"An act to appoint an additional notary public in the county of Montgomery."

"An act authorizing the sale of certain real estate therein named;" and

"An act to incorporate the Marshall Academy."

On motion of Mr. Elkin,

The House resolved itself into a committee of the Whole upon the bill for "An act making appropriations for the years 1839 and 1840;" and, after some time spent therein, the Speaker resumed the chair, and Mr. Cloud, their chairman, reported that the committee of the Whole had, according to order, had said bill under consideration, made sundry amendments thereto, and directed him to report the same to the House, and ask their concurrence therein; when,

On motion of Mr. Dawson,

The bill and amendments were referred to the committee on Claims.

Mr. Flood, from the committee on Enrolled Bills, reported that the bill for "An act to establish the county of Scott," was correctly enrolled, and had been laid before the Council of Revision.

And then the House adjourned.

## MONDAY, FEBRUARY 18, 1839.

House met pursuant to adjournment.

Mr. Roman, from the committee on Engrossed Bills, reported, as correctly engrossed, bills, entitled

"An act for the relief of John Winstanly and Hugh Duffy;"

"An act for the benefit of the town of Greenville;"

"An act to vacate the town plat of East Lockport;"

"An act to amend the several acts concerning justices of the peace and constables;"

"An act to amend 'An act to incorporate the Quincy, Griggsville, Jacksonville, and Springfield Turnpike Company;'"

"An act to authorize a relocation of a State road therein named;"

"An act to establish the county of Williamson;" and

"An act to relocate a part of the State road from Mount Vernon to Nashville."

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* The Senate have passed an act, entitled "An act to apply a part of an appropriation, heretofore made to Clark county, to the improvement of the road from York to the county line of Clark."

In the passage of which bill they ask the concurrence of the House of Representatives.

They have concurred with the House in their amendment to the bill from the Senate, entitled "A act to incorporate the Chester Insurance Company." And then he withdrew.

On motion of Mr. Hardin,

The vote taken on Saturday last, on the adoption of the resolution recommending to the electors to vote for or against a Convention, at the next general election, was reconsidered.



On the further motion of Mr. Hardin,

The resolution was laid on the table.

Mr. Rawalt presented the petition of 83 ladies and gentlemen of Farmington, Fulton county, praying the repeal of all laws authorizing the retail of intoxicating liquors; which, without reading, was, on his motion, referred to the committee on the Judiciary.

Mr. Stapp presented the petition of 48 citizens of Henry county, praying the repeal of the license law; which, without reading, was, on his motion, referred to the committee on the Judiciary.

Mr. Stapp presented the petition of 40 citizens of Knox county, on the subject of slavery; which was read, and,

On motion of Mr. Ficklin,

Laid on the table.

Mr. Rawalt presented the remonstrance of sundry citizens of Fulton county, against any change in the State road between Canton and Macomb; which, without reading, was, on his motion, referred to the committee on State Roads.

Mr. Crain presented the petition of sundry citizens of Washington county, praying the location of a State road from Nashville to Belleville, by way of Jefferson, in St. Clair county; which, without reading, was, on his motion, referred to the committee on State Roads.

Mr. Roman presented the petition of sundry citizens of St. Clair county, praying the location of a State road from Belleville to Nashville; which, without reading, was, on his motion, referred to the committee on State Roads.

Mr. Roman presented the petition of 121 citizens of St. Clair county, praying the establishment of a ferry over the Mississippi river, opposite St. Louis; which, without reading, was, on his motion, referred to the committee on the Judiciary.

Mr. Robert Smith presented the petition of sundry citizens of Madison county, praying the establishment of a ferry across the Mississippi river; which, without reading, was, on his motion, referred to the committee on the Judiciary.

Mr. Stapp presented the petition of sundry citizens of Rock Island and Henry counties, praying the establishment of a State road therein named; which, without reading, was, on his motion, referred to the committee on State Roads.

Mr. Thomas of McLean presented the petition of sundry citizens of McLean county, that a certain county road be declared a State road; which, without reading, was, on his motion, referred to a select committee.

Ordered, That Messrs. Thomas of McLean, Hull, and Lyons, be that committee.

Mr. Allen of Greene presented a petition, signed by 178 ladies and gentlemen of Greene county, praying the repeal of the law authorizing the sale of spirituous liquors; which, without reading, was, on his motion, referred to the committee on the Judiciary.

Mr. Harris presented the petition of 52 citizens of Macoupin county, praying a repeal of the license law; which, without reading, was, on his motion, referred to the committee on the Judiciary.

Mr. Harris presented the remonstrance of sundry citizens of Macoupin county, against any division of said county; which, without reading, was, on his motion, referred to the same select committee to which was referred the bill on the same subject.

Mr. Cunningham presented the remonstrance of sundry citizens of Coles county, against a change in the State road from Wabash river to Shelby county; which, without reading, was, on his motion, referred to a select committee.

*Ordered*, That Messrs. Cunningham, McMillan, and Thornton, be that committee.

Mr. Kent presented the petition of sundry citizens of Winnebago county, praying for a State road from Rockford, in Winnebago county, to Savannah, in Carroll county; which, without reading, was, on his motion, referred to the committee on State Roads.

Mr. Kent also presented the petition of sundry citizens of Winnebago county, praying for the relocation of their county seat; which, without reading, was, on his motion, referred to the committee on Counties.

Mr. Kent presented the petition of sundry citizens of Lyndon, in Whiteside county, on the subject of negro slavery; which, without reading, was, on his motion, laid on the table.

The bill reported by Mr. Archer, from the committee on State Roads, some days since, entitled "An act to locate and establish, and alter, change, and relocate State roads," coming up for consideration;

Mr. Dawson moved to read the bill the first time by its title; which was agreed to.

The bill was then

*Ordered* to a second reading.

Mr. Edmonston moved to read the bill the second time by its title; which was agreed to.

Mr. Elliott moved to read the bill the third time by its title.

Mr. Rawalt moved to recommit the bill to the committee on State Roads; which was not agreed to. When,

On motion of Mr. Elkin,

The bill was referred to the committee of the Whole House, and made the special order of the day for to-morrow evening, at 7 o'clock.

Mr. Rawalt from the committee on Finance, reported a bill for "An act to authorize a loan of money;" which was twice read.

On motion of Mr. Williams,

The blank in the first section was filled with the words, "one hundred and twenty-eight."

Mr. Stapp moved to lay the bill on the table; not agreed to.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Ficklin, from the committee on the Judiciary, to which was referred the bill for "An act to increase the capital of the State Bank of Illinois," reported the same back with an amendment; which was read, and not agreed to.

Mr. Alexander moved to postpone the bill indefinitely.

Mr. Calhoun moved to amend the first section, by adding the following proviso:

*“Provided, That the control in the directory of said bank shall be increased, on the part of the State, in the same ratio as the increase of the stock; and that the number of directors, appointed on the part of the State, shall bear the same proportion to the number appointed by the private stockholders, as the stock of the State, in said bank, bears to the stock of the private stockholders.”*

Mr. Edwards moved to postpone indefinitely the bill and the amendment.

The question was taken thereon, by yeas and nays, on the call of Messrs. Murphy of Cook and Dubois, and decided in the affirmative, as follow:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Archer, Baker, Bainbridge, Brown, Calhoun, Churchill, Cloud, Compher, Copland, Crain, Daley Dawson, Dubois, Dunn, Edmonston, Edwards, Elliott, Emmerson, Ficklin, Fisk, Flood, Foster, French, Gilham, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Hardin, Harris, Henry, Holmes, Houston, Huey, Jarrott, Johnson, Kercheval, Kerr, McCormick, McMillan, McWilliams, Maus, Moore, Morgan, Murphy of Cook, Pace, Phillips, Read, Roberts, Robinson, Roman, Robert Smith, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Wood, Zimmerman, and Mr. Speaker—62.

Those who voted in the negative, are,

Messrs. Aldrich, Craig, Elkin, Henderson, Hull, Jones, Kent, Lincoln, Logan, McCutchen, Menard, Murphy of Vermilion, Naper, Rawalt, Smith of Wabash, George Smith, Thornton, and Williams—18.

Mr. Hardin, from the committee on Public Accounts and Expenditures, reported a bill for “An act to define the duties of the Board of Public Works in letting out contracts;” which was read the first time, and

*Ordered* to a second reading.

On his motion, it was read a second time by the title; and,

On his further motion, referred to a committee of the Whole House, and made the order of the day for Wednesday next, at 7 o'clock, P. M.

Mr. Aldrich, from the committee on Public Accounts and Expenditures, reported a bill for “An act to incorporate the Montebello Manufacturing Company;” which was twice read, and

*Ordered* to be engrossed for a third reading.

A message from the Council of Revision, by Mr. McLean, their Secretary:

Mr. Speaker: The Council of Revision have approved acts of the following titles, viz:

“An act to establish the county of Scott;”

“An act to locate a State road from Jonesboro, in Union county, to William T. Ryburn’s, in Franklin county;”

“An act concerning the public revenue in the county of Knox;”

“An act declaring Mill and Big creeks navigable, in Clark county;”

“An act declaring the Mauvaise-terre creek a navigable stream;”

“An act to change the name of the town of Mechanicsburg, in St. Clair county;”

“An act to locate a State road from Naperville, in Cook county, to Indian creek, in McHenry county;” and

"An act supplemental to the act, entitled 'An act to define the extent of possession, in cases of settlement on the public lands,' approved February 27, 1837."

Mr. Ficklin, from the committee on the Judiciary, to which was referred a bill for "An act to increase the capital stock of the Bank of Illinois, and to provide means to pay the interest on a loan or loans, authorized by an act, entitled 'An act to establish and maintain a general system of internal improvement,'" reported the same, with an amendment; which was read.

Mr. Fisk moved to amend the amendment, by adding thereto the following:

"*Provided*, That there shall be no office of discount and deposite in any county in which there is a branch of the State Bank of Illinois, except in the county of Cook."

Mr. Stapp moved to lay the amendment to the amendment on the table.

Mr. Williams moved to postpone indefinitely the bill and amendments.

Mr. Walker of Vermilion moved to refer them to a select committee of five; when,

On motion of Mr. Elkin,

They were referred to the committee on Finance, with instructions to amend, so as to place the Bank of Illinois on the same footing as the State Bank of Illinois.

Mr. Moore, from the committee on Finance, to which was referred a certain petition, reported a bill for "An act to amend an act, entitled 'An act to create the county of Bureau.'"

And then the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The Speaker laid before the House a communication from William Kinney, Commissioner of the Board of Public Works for the second judicial circuit, relative to the claim of John Winstanly and Hugh Duffy; which was read, and,

On motion of Mr. Ficklin,

Laid on the table.

On motion of Mr. Dawson,

The messages from the Senate, the special and general orders of the day, were postponed, for the purpose of taking up the bill for "An act concerning the public revenue."

On his further motion, the bill was read the third time by its title.

The question was put—"Shall the bill pass?"

And decided in the negative, by yeas and nays, on the call of Messrs. Smith of Wabash and Foster.

Those who voted in the affirmative, are,

Messrs. Aldrich, Archer, Baker, Brown, Calhoun, Churchill, Compher, Craig, Dawson, Dunn, Edmonston, Edwards, Elkin, Flood, Henderson, Huey, Kent, Kercheval, Kerr, Lincoln, Logan, McCormick, McCutchen,

McMillan, McWilliams, Moore, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Naper, Rawalt, George Smith, Robert Smith, Stapp, Thomas of McLean, Thornton, Walker of Fulton, Webb of Alexander, and Williams—40.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Cloud, Copland, Crain, Cunningham, Dubois, Elliott, Emmerson, Ficklin, Fisk, Foster, French, Gilham, Green of Clay, Green of Greene, Hankins, Happy, Hardin, Harris, Henry. Holmes, Houston, Hull, Jarrott, Johnson, Jones, Lyons, Maus, Menard, Morgan, Pace, Philips, Robinson, Roman, Smith of Wabash, Thomas of St. Clair, Walker of Vermilion, Zimmerman, and Mr. Speaker—42.

Mr. Craig moved that the House resolve itself into a committee of the Whole, on the bill for "An act to relocate and build the penitentiary;" which was not agreed to.

Mr. Archer moved that the House resolve itself into a committee of the Whole, on the resolutions relative to the Cumberland road; not agreed to.

The question pending last Friday evening when the House adjourned, being on the motion of Mr. Zimmerman to postpone, indefinitely, the bill, entitled "An act directing a resurvey and location of all that part of the Central railroad south of Vandalia," together with the proposed amendment of Mr. Pace thereto, coming up for consideration,

Mr. Naper moved the previous question; which motion was sustained.

The question then recurring on the motion of Mr. Pace, to strike out all after the enacting clause, and insert the amendment proposed by him,

Mr. Moore called for a division of the question.

The question was then taken on striking out; and decided in the negative.

The question was then put—"Shall the bill be engrossed and read the third time?"

And decided in the negative.

Mr. Murphy of Vermilion moved to dispense with the rules, so as to enable him to introduce a resolution providing for certain elections; which was not agreed to.

The bill from the Senate for "An act to provide for a loan for canal purposes," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Naper,

It was read a second time by the title, and referred to the committee on Canals and Canal Lands.

The bill from the Senate for "An act supplementary to 'An act prescribing the mode of trying the right of property,'" was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Pace,

It was read a second time by its title, and,

On motion of Mr. Ficklin,

Referred to the committee on the Judiciary.

Mr. Flood, from the committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles, viz:

"An act to incorporate the Union Agricultural Society;"

"An act relating to service of process against corporations;"

"An act to increase the corporate powers of the town of Liberty;"

"An act to authorize the building of a bridge across the Des Plaines river;"

"An act to authorize A. and S. S. Phelps to establish a ferry across the Mississippi river, at the town of Oquawka;"

"An act to resurvey the town of Mount Vernon;"

"An act to change a part of the Grand View and Terre Haute road in the county of Edgar;"

"An act to amend an act, entitled 'An act to incorporate the Jo Daviess Marine and Fire Insurance Company;"

"An act declaring the road from Jacksonville to Springfield a State road;"

"An act disposing of the public property in Vandalia;"

"An act authorizing the building of certain bridges and changing certain appropriations;"

"An act to authorize the county commissioners of Peoria county to change a certain State road;"

"An act to authorize the clerk of the Madison circuit court to procure the rebinding of certain records;"

"An act to constitute the town of Manchester a justice's and constable's district;"

"An act concerning the town of Lynnvile;"

"An act to legalize the sub-division of block thirty, in the school section addition to the town of Chicago;"

"An act to incorporate the Des Moines Rapids Railroad Company;"

"An act to incorporate the Shawneetown Academy, in Gallatin county;"

"An act to incorporate the town of Fayette, in Greene county;"

"An act supplemental to 'An act to authorize Ezra Baker, jr. to erect a mill-dam near Coffee island, on the Great Wabash river;"

"An act to authorize Henry W. Cleveland to build a toll-bridge across the Winnebago swamp;"

"An act regulating evidence in certain cases;"

"An act to incorporate the Warsaw University of Illinois;" and

"An act to incorporate the Chester Insurance Company;"

Also a "Preamble and resolutions relative to the public depositories."

The bill from the Senate for "An act to incorporate Kane College," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Churchill,

It was read a second time by the title, and,

On motion of Mr. Edwards,

Read a third time by the title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

The bill from the Senate for "An act to provide for selling water-lots and privileges on the Illinois and Michigan canal," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Naper,

It was read a second time by its title, and referred to the committee on Canals and Canal Lands.

On motion of Mr. Walker of Vermilion,

The House reconsidered the vote taken on the passage of the bill for "An act concerning the public revenue."

The question was put—"Shall the bill pass?"

And decided in the affirmative, by yeas and nays, on the call of Messrs. Foster and Churchill.

Those who voted in the affirmative, are,

Messrs. Aldrich, Archer, Brown, Calhoun, Churchill, Compher, Craig, Dawson, Edmonston, Edwards, Elkin, Henderson, Huey, Kent, Kercheval, Kerr, Lincoln, Logan, McCormick, McCutchen, McMillan, McWilliams, Moore, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Naper, Rawalt, Roberts, George Smith, Robert Smith, Stapp, Thomas of McLean, Thornton, Walker of Fulton, Walker of Vermilion, and Williams—37.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Greene, Cloud, Copland, Crain, Cunningham, Dubois, Elliott, Emmerson, Foster, Gilham, Green of Clay, Green of Greene, Hankins, Hardin, Harris, Henry, Holmes, Houston, Hull, Jarrott, Johnson, Jones, Maus, Menard, Morgan, Pace, Philips, Robinson, Roman, Thomas of St. Clair, and Mr. Speaker—32.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk inform the Senate of the passage thereof, and ask their concurrence therein.

On motion of Mr. Stapp,

The following additional rule was adopted:

"**RULE** . It shall be in order, during the remainder of this session, to introduce, at any time, resolutions to bring on the election of the various public officers to be elected by the General Assembly; and it shall be in order to take up, at any time, any resolution from the Senate on the subject of elections."

Mr. Smith of Wabash offered for adoption the following resolution:

*Resolved by the House of Representatives, the Senate concurring herein*, That both Houses will meet in the hall of the House of Representatives, on the day of February, instant, at 10 o'clock, A. M., for the purpose of electing three Fund Commissioners; Commissioners of Public Works for the first, second, third, fourth, fifth, sixth, and seventh circuits; the President and acting Commissioner of the Illinois and Michigan canal, and Treasurer of the Board of Canal Commissioners.

Mr. Elkin moved to fill the blank with the word "nineteenth."

Mr. Allen of Greene moved to fill it with "twenty-second;" which was not agreed to.

Mr. Edmonston moved to fill it with "twenty-fifth;" which was not agreed to.

Mr. Dawson moved to fill it with "twenty-first;" not agreed to.

Mr. Ficklin moved the "twenty-third;" not agreed to.

Mr. Stapp moved the "eighteenth;"

The question recurring on the motion of Mr. Elkin, to fill the blank with "nineteenth," was decided in the affirmative.

On motion of Mr. Dubois,

The words, "10 o'clock, A. M.," were stricken out, and the words, "7 o'clock, P. M.," inserted in lieu thereof.

Mr. Happy moved to strike out the words, "three Fund Commissioners," and insert, in lieu thereof, "one Fund Commissioner."

Mr. Baker moved the previous question; which was sustained.

The question recurring on Mr. Happy's amendment, Mr. Smith of Wabash called for a division of the question, so as to take the vote separately on striking out.

The question was taken on striking out, and decided in the affirmative, by yeas and nays, on the call of Messrs. Happy and Murphy of Cook, as follows:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Green, Archer, Baker, Brown, Churchill, Cloud, Compher, Copland, Cunningham, Daley, Elliott, Ficklin, Fisk, Foster, Gilham, Green of Greene, Hankins, Happy, Hardin, Harris, Henry, Holmes, Houston, Jarrott, Johnson, Kerr, McCormick, McCutchen, McMillan, McWilliams, Moore, Morgan, Murphy of Cook, Read, Roberts, Robinson, Roman, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Williams, and Mr. Speaker—43.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Franklin, Bainbridge, Craig, Crain, Dawson, Dubois, Edmonston, Edwards, Elkin, Emmerson, Green of Clay, Henderson, Huey, Hull, Jones, Kent, Lincoln, Logan, Maus, Menard, Murphy of Perry, Murphy of Vermilion, Naper, Pace, Philips, Rawalt, Smith of Wabash, Robert Smith, Thornton, Walker of Vermilion, and Zimmerman—32.

The question was then put on inserting "one Fund Commissioner," and decided in the negative.

The resolution, as amended, was then adopted.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Murphy of Cook moved to dispense with the rules, so as to enable him to introduce a resolution providing for the publication of certain laws; which was not agreed to.

The bill from the Senate for "An act to amend an act, entitled 'An act for the relief of the poor,' approved March 1, 1833," was read a first time, and

*Ordered*, to second reading.

On motion of Mr. Henry,

It was read a second time by its title.

On motion of Mr. Hardin,

The eleventh section was amended, by filling the blank therein with the words "one-fourth of one per cent. on the taxable property of the county;" and the bill, as amended,

*Ordered* to a third reading.

On his further motion,

The bill was read a third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk inform the Senate of the passage thereof as amended, and ask their concurrence in the amendments of the House.



The bill from the Senate for "An act to amend the several laws in relation to the Illinois and Michigan canal," was read the first time, and *Ordered* to a second reading.

On motion of Mr. Naper,

It was read a second time by its title, and referred to the committee on Canals and Canal Lands.

On motion of Mr. Smith of Wabash,

The further consideration of the messages was postponed, and bills at their second reading were taken up.

The bills, entitled

"An act to incorporate the town of Kankakee;"

"An act to locate a certain State road therein mentioned; and

"An act relating to towns therein named;"

Were severally read the second time, and

*Ordered* to a third reading.

The bill for "An act to limit the punishment for murder," was read the second time, and,

On motion of Mr. Dawson,

Referred to a select committee.

*Ordered*, That Messrs. Dawson, Walker of Vermilion, and Henderson, be that committee.

The bills, entitled

"An act to amend an act concerning special bail;"

"An act vacating a part of the town of Illinois city, and changing the name of the residue to that of Uniontown;"

"An act to provide for the location of the county seat of Cass county;"

"An act to establish a State road therein named;"

"An act to amend an act, entitled 'An act concerning sheriffs and coroners,' approved February 12, 1837;" and

"An act supplemental to an act, entitled 'An act to extend the corporate powers of the town of Peoria,' approved February 21, 1827;"

Were severally read the second time, and

*Ordered* to be engrossed for a third reading.

The bill for "An act to amend the act relative to criminal jurisprudence," was read the second time, and,

On motion of Mr. Elkin,

Referred to the committee on the Judiciary.

The bill for "An act concerning the transcribing certain records," was read the second time, and,

On motion of Mr. Edmonston,

Laid on the table.

The bill for "An act for the relief of Enoch Enloe," was read the second time, and

On motion of Mr. Moore,

Referred to the committee on the Judiciary.

The bill from the Senate, entitled "An act to amend the act, entitled 'An act to regulate the interest of money,'" was read the second time, and,

On motion of Mr. Dawson,

Referred to the committee on Finance.

The bill from the Senate, entitled "An act to amend the act, entitled 'An act to provide for changing the venue in civil and criminal cases,' approved 23d January, 1827," was read the second time, and,

On motion of Mr. Edwards,

Referred to the committee on the Judiciary, with instructions to report an amendment to the bill, giving to the State the right of a change of venue in the case of trials on appeals in cases of the right of way.

The bill for "An act to declare Little Rock river navigable," was read the second time, and,

On motion of Mr. Craig,

Indefinitely postponed.

The bill from the Senate, entitled "An act regulating tavern and grocery licenses," was read the second time, and,

On motion of Mr. Hardin,

Referred to the committee on the Judiciary.

The bill, entitled "An act altering, in part, Archer's addition to Lockport," was read the second time, and,

On motion of Mr. Archer,

Referred to a select committee.

*Ordered*, That Messrs. Archer, Naper, and Cunningham, be that committee.

The bill for "An act to incorporate the Mount Carmel Grimke Literary Association," was read the second time, and,

On motion of Mr. Smith of Wabash,

Referred to the committee on Education.

The bill from the Senate, entitled "An act to change a part of the State road from Peoria to Knoxville, in Knox county, and for other purposes," was read the second time, and

*Ordered* to a third reading.

On motion of Mr. Compher,

The rule of the House was dispensed with, and the bill read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

The bill from the Senate, entitled "An act to amend an act to incorporate the Union College of Illinois," was read the second time, and

*Ordered* to a third reading.

On motion of Mr. Menard,

The rule of the House was dispensed with, and the bill read a third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

The bill from the Senate, entitled "An act to vacate the survey and plat of the town of Middletown," was read the second time, and

On motion of Mr. Naper,

Referred to a select committee.

*Ordered*, That Messrs. Naper, Aldrich, and Kercheval, be that committee.

On motion of Mr. Naper,

The vote taken on referring the last named bill to a select committee was reconsidered.

The bill was then

*Ordered* to a third reading.

On motion of Mr. Naper,

The rule of the House was dispensed with, and the bill read a third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof,

On motion of Mr. Allen of Greene,

The bill some time since laid on the table, entitled "An act to regulate the granting of tavern license," was taken up for consideration, and,

On his further motion,

Referred to the committee of the Whole House, and made the special order of the day for this evening, at 7 o'clock, after the bills at their second reading are disposed of.

And then the House adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

House met pursuant to adjournment.

The bill from the Senate for "An act to provide for the appointment of notaries public," was read a second time, and,

On motion of Mr. Hardin,

Laid on the table.

The bills from the Senate, entitled "An act to change part of the Phillips' ferry road, in Morgan county;" and

"An act to amend the act incorporating the New Canton and Piketon Railroad Company," were severally read the second time, and

*Ordered* to a third reading.

The bills, entitled

"An act to amend 'An act concerning judgments and executions,' approved January 17, 1825;"

"An act to incorporate the Illinois Legion;"

"An act to incorporate the seminaries of learning therein named;" and

"An act to regulate the mode of proceeding on the redemption of real estate sold under execution;"

Were severally read the second time, and

*Ordered* to be engrossed for a third reading.

On motion of Mr. Williams,

The special orders were postponed, and the amendments of the Senate to the bill from the House of Representatives for "An act to relocate the seat of justice in the county of Iroquois," were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

On motion of Mr. Ficklin,

The special orders were further postponed, and the bill for "An act further to define the duties of justices of the peace and constables," was taken up.

Mr. Foster moved to amend, by striking out, in the second section, the

words, "to which may be added, in each case, imprisonment not exceeding twelve hours."

Mr. Alexander moved to postpone indefinitely the bill and amendments.

Mr. Edmonston moved to refer them to a select committee; not agreed to.

The question was taken on the motion to postpone indefinitely, and decided in the affirmative, by yeas and nays, on the call of Messrs. Calhoun and Emmerson, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Baker, Bainbridge, Brown, Calhoun, Churchill, Compher, Craig, Crain, Dubois, Dunn, Edmonston, Edwards, Emmerson, Foster, Gilham, Gouge, Green of Clay, Green of Greene, Happy, Harris, Henry, Holmes, Hucy, Johnson, Kercheval, Logan, Murphy of Cook, Murphy of Perry, Naper, Pace, Rawalt, Read, Robinson, Roman, Stapp, Thomas of St. Clair, Walker of Fulton, and Walker of Vermilion—40.

Those who voted in the negative, are,

Messrs. Archer, Cunningham, Elkin, Elliott, Ficklin, Fisk, Flood, French, Hankins, Hardin, Jarrott, Jones, Kerr, McCutchen, McMillan, McWilliams, Morgan, Murphy of Vermilion, Otwell, Philips, Roberts, George Smith, Thomas of McLean, Williams, Wood, and Mr. Speaker—26.

On motion of Mr. Walker of Vermilion,

The House resolved itself into a committee of the Whole, upon the bill for "An act to regulate the granting of tavern license;" and, after some time spent therein, the Speaker resumed the chair, and Mr. Williams, their chairman, reported that the committee had, according to order, had said bill under consideration, had made an amendment thereto, and directed him to report the same to the House, and ask the concurrence of the House therein.

On motion of Mr. Elkin,

The bill and amendment were referred to the committee on the Judiciary.

On motion of Mr. Edwards,

The rules were dispensed with, and leave given him to introduce the following resolution:

*Resolved*, That the Clerk be authorized to call to his aid any person he may think proper to assist him in the discharge of his duties.

Which was read, and adopted.

And then the House adjourned.

TUESDAY, FEBRUARY 19, 1839.

House met pursuant to adjournment.

Message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: The Senate have concurred with the House of Representatives in their amendment to the Senate's bill for "An act to provide for the removing of public offices to Springfield.

They have also concurred with the House in the adoption of the resolution, fixing on the 19th of February instant, at 7 o'clock, for the election of Commissioners of Public Works and Canal Commissioners. And then he withdrew.

Mr. Roman, from the committee on Engrossed Bills, reported, as correctly engrossed, bills entitled

"An act for the relief of the clerk of the circuit court of Sangamon county;"

"An act for the relief of John McMennaway, late sheriff of Macon county;"

"An act to establish a State road from Jameson's ferry, in Pope county, to Cape Girardeau;"

"An act to establish a State road from Joseph Huey's, in Clinton county, to the northeast corner of Fayette county;"

"An act to provide for the relocation of a State road therein named;"

"An act to repeal an act, entitled 'An act to incorporate the town of Upper Alton;'"

"An act to authorize Nathaniel G. Wilcox and his associates to establish a ferry across the Mississippi river, at the most convenient point opposite the town of Bloomington;" and

"An act to authorize George W. Brinckerhoof and others to establish a ferry across Rock river."

Mr. Craig presented the petition of sundry citizens of Rock Island, Mercer, and Knox counties, praying the State to build a bridge across Rock river, in Rock Island city; which, without reading, was, on his motion, referred to the committee on Internal Improvements.

Mr. Holmes presented the petition of sundry citizens, praying the improvement of the road leading from Springfield to Beardstown; which, without reading, was, on his motion, referred to the same select committee to which other petitions on the same subject were referred.

The bill reported yesterday forenoon by Mr. Moore, from the committee on Counties, entitled "An act to amend an act, entitled 'An act to create the county of Bureau,'" was read the first time, and,

*Ordered* to a second reading.

On motion of Mr. Henderson,

The rule of the House was dispensed with, and the bill read the second time by its title, and

*Ordered* to be engrossed for a third reading.

Mr. Logan, from the committee on Canals and Canal Lands, reported a bill for "An act supplementary to 'An act relative to wills and testaments, executors and administrators, and the settlement of estates,' approved January 23, 1829;" which was twice read, and,

On motion of Mr. Moore,

Referred to the committee on the Judiciary.

Mr. Moore, from the committee on Counties, to which was referred the bill for "An act to create the county of Lee from the county of Ogle," reported the same without amendments, and recommended the passage of the bill.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Robert Smith, from the committee on Public Accounts and Expenditures, reported a bill for "An act to incorporate the Vandalia and Alton Turnpike Road Company."

On motion of Mr. Lincoln,

The rule of the House was dispensed with, and the bill read the first time by its title, and

*Ordered* to a second reading.

On motion of Mr. R. Smith,

The rule of the House was further dispensed with, and the bill read the second time by its title, and, on his motion, referred to the committee on Internal Improvements.

Mr. Calhoun, from the committee on Public Accounts and Expenditures, to which was referred a bill from the Senate, entitled "An act to provide for publishing the decisions of the Supreme Court," and also the petition of Wm. Walters on the same subject, reported said bill with sundry amendments; which were read; when,

On motion of Mr. Baker,

The bill, amendments, and petition, were referred to the committee on the Judiciary.

Mr. Marshall, from the committee on the Judiciary, reported a bill for "Act to change the times of holding courts in the third judicial circuit in this State;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Aldrich, from the committee on Public Accounts and Expenditures, reported a bill for "An act to incorporate the Commerce Hotel Company;" and the rule of the House being dispensed with, the bill was twice read by its title, and

*Ordered* to be engrossed for a third reading.

Mr. Johnson, from the committee on Education, reported a bill for "An act to incorporate the Vandalia and Mississippi Turnpike Company;" which was read the first time by its title, and,

On motion of Mr. Ficklin,

*Ordered* to a second reading.

On motion of Mr. Johnson,

The rule of the House was dispensed with, and the bill read the second time by its title.

Mr. Johnson moved to refer the bill to the committee on Agriculture and Manufactures.

Mr. Dawson moved its reference to the committee on Education.

The question was put on its reference to the first named committee, and decided in the affirmative.

Mr. Hardin, from the committee on the Judiciary, reported a bill for "An act authorizing the appointment of commissioners of deeds;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Smith of Wabash, from the committee on Internal Improvements to which was referred the bill from the Senate, entitled "An act supplemental to the several acts relative to the Wabash Navigation Company," reported the same with sundry amendments; which were read and concurred in.

The bill was then

*Ordered* to a third reading, as amended.

Mr. Thomas of St. Clair, from the committee on Internal Improvements, reported a bill for "An act to authorize Narcise Penconneau to build a bridge over the Kaskaskia river, at Athens, in St. Clair county;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred the bill for "An act for the benefit of Jefferson county," reported the same with an amendment; which was read and concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Ficklin, from the committee on the Judiciary, to which were referred several petitions in relation to the construction of a railroad from the Coal-banks to the Mississippi river, and the establishment of a ferry over the said river, opposite St. Louis, reported the same back to the House, and asked to be discharged from the further consideration thereof; which was granted.

Mr. Pace, from the committee on Agriculture and Manufactures, to which was referred the bill, entitled "An act to incorporate the Des Plaines Steam-mill Company," reported the same with amendments; when,

On motion of Mr. Kercheval,

The bill and report were referred to a select committee.

*Ordered*, That Messrs. Kercheval, Naper, and Maus, be that committee.

Mr. Fisk, from the committee on the Judiciary, to which was referred a certain petition, reported a bill for "An act to incorporate the First Independent Congregational Society of Princeton;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Henderson,

The rule of the House was dispensed with, and the bill read the second time by its title, and

*Ordered* to be engrossed for a third reading.

Mr. Thornton, from the committee on Internal Improvements, reported a bill for "An act to incorporate the town of Shelbyville;" which, on his motion, was read the first time by its title, and

*Ordered* to a second reading.

On motion of Mr. Elkin,

The rule of the House was dispensed with, and the bill read the second time by its title, and

*Ordered* to be engrossed for a third reading.

Mr. Daley, from the committee on Counties, reported a bill for "An act to incorporate the Hamilton Seminary;" which, on his motion, was read the first time by its title, and

*Ordered* to a second reading.

On motion of Mr. Delay,

The rule of the House was dispensed with, and the bill read a second time by its title, and

*Ordered* to be engrossed for a third reading.

Mr. Moore, from the committee on Counties, to which was referred a certain petition, reported a bill for "An act to create and establish the county of Jersey;" which,

On motion of Mr. Edwards,  
Was read the first time by its title, and  
*Ordered* to a second reading.

On motion of Mr. Daley,  
The rule of the House was dispensed with, and the bill read a second time by its title, and,  
*Ordered* to be engrossed for a third reading.

Mr. Cunningham, from the committee on State Roads, reported a bill, entitled "An act making an appropriation for the improvement of the navigation of the Embarrass river;" which was read the first time, and  
*Ordered* to a second reading.

On motion of Mr. Dubois,  
The rule of the House was dispensed with, and the bill read a second time by its title, and,

On motion of Mr. Edmonston,  
Referred to the committee on Internal Improvements.

Mr. McCutchen, from the committee on the Judiciary, to which was referred a certain petition, reported a bill, entitled "An act to authorize the administrator of Wm. C. Ralls, deceased, to convey certain real estate;" which was read the first time, and

*Ordered* to a second reading; and, on his motion, ,

The rule of the House was dispensed with, and the bill read the second time by its title, and

*Ordered* to be engrossed for a third reading.

Mr. Stapp, from the committee on Finance, reported a bill, entitled "An act to incorporate the Warren County Male and Female Seminary;" and, on his motion,

The rule of the House was dispensed with, and the bill read the first time by its title, and

*Ordered* to a second reading.

On his further motion,

The bill was read the second time by its title, and

Referred to the committee on Education.

Mr. Menard, from the committee on Salines, reported a bill, entitled "An act to revive an act, entitled 'An act to incorporate the stockholders of the Randolph Manufacturing Company, approved January 16, 1836;" which was read the first time, and

*Ordered* to a second reading; and, on motion,

The rule of the House was dispensed with, and the bill read a second time by its title, and

*Ordered* to be engrossed for a third reading.

Mr. Fisk, from the committee on the Judiciary, reported a bill, entitled "An act to define the duties of officers connected with the internal improvement system;" which was read the first time, and

*Ordered* to second reading.

On his further motion,

The rule of the House was dispensed with, and the bill read the second time by its title, and,



On motion of Mr. Craig,

Referred to the committee on Internal Improvements.

Mr. McWilliams, from the committee on Education, to which was referred a bill, entitled "An act to incorporate the Mount Carmel Grimke Literary Association," reported the same without amendment.

*Ordered* to be engrossed for a third reading.

Mr. Huey, from the committee on State Roads, reported a bill, entitled "An act to locate a State road from Nashville to Belleville."

On motion of Mr. Ficklin.

The rule of the House was dispensed with, and the bill read by its title, and,

*Ordered* to a second reading.

On motion of Mr. Crain.

The rule of the House was dispensed with, and the bill was read the second time by its title, and

*Ordered* to be engrossed for a third reading.

Mr. Smith of Wabash, from the committee on Internal Improvements, offered for adoption the following preamble and resolutions:

*Whereas* the General Assembly of the State of Indiana, at their present session, adopted a joint resolution requesting their Senators and Representatives in Congress to use their influence to procure the passage of a law of Congress, granting to the said State of Indiana a portion of the vacant lands lying on the route of the Mount Carmel and New Albany railroad, in that State, in aid of the construction of said railroad; *and whereas* this joint resolution of the Legislature of Indiana has been laid before the Senate of the United States and ordered to be printed, and the proposition contained in it has met with the favorable consideration of that body; *and whereas* the committee on Public Lands, in the Senate, have reported a bill for an act to grant to the said State the alternate sections of vacant land lying within six miles on each side of the route of said road, amounting to about 220,000 acres; *and whereas* this manifestation on the part of Congress, favorably to entertain this request on the part of Indiana, is calculated to encourage the Legislature of Illinois to make a similar reasonable request of Congress, in aid of the great system of internal improvements in this State, in the prosecution of which large quantities of the refuse lands of the General Government will be increased in value, and brought into early market: therefore,

*Resolved by the General Assembly of the State of Illinois*, That our Senators and Representatives in Congress be requested to use the influence of their stations to procure the passage of a law of Congress, granting to the State of Illinois a portion of the vacant lands along the routes of the several railroads of this State, in aid of their construction.

*Resolved*, That the Governor be, and he is hereby, requested to transmit a copy of this preamble and joint resolution to each of our Senators and Representatives in Congress.

On the question—"Shall said preamble and resolutions be adopted?"

It was decided in the affirmative.

*Ordered*, That the Clerk carry said preamble and resolutions to the Senate, and ask their concurrence therein.

Mr. Craig, from the committee on the Judiciary, reported a bill for "An act to authorize the circuit court of Clinton county to change the venue in the case of the People vs. A. Guykoski;" which was read the first time, and

*Ordered to a second reading.*

On motion of Mr. Craig,

The rule of the House was dispensed with, and the bill read a second time by its title; when

Mr. Edmonston moved to lay the bill on the table until the 4th day of July next; which was not agreed to.

On motion of Mr. Hankins,

The bill was referred to a select committee.

*Ordered, That Messrs. Hankins, Edmonston, and Foster, be that committee.*

Mr. Ficklin, from the committee on Education, to which was referred the bill from the Senate, entitled "An act to amend an act, entitled 'An act to amend the several acts in relation to common schools,'" reported the same with amendments; which were read and concurred in.

The bill was then

*Ordered to a third reading as amended.*

Mr. Hardin moved that the rule of the House be dispensed with, and that the bill be read the third time by its title; which was not agreed to.

Mr. Roman, from the committee on Education, reported a bill, entitled "An act authorizing the sale of certain school land in Vermilion county," which was read the first time, and

*Ordered to a second reading.*

On motion of Mr. Murphy of Vermilion,

The rule of the House was dispensed with, and the bill read a second time by its title, and

*Ordered to be engrossed for a third reading.*

Mr. Archer, from the committee on State Roads, to which was referred a bill from the Senate, entitled "An act to define the manner of proceeding in petitioning the General Assembly for locating or altering State roads," reported the same with amendments; which were read, and concurred in, and the bill

*Ordered to a third reading as amended.*

Mr. Archer, from the same committee, to which was referred a bill from the Senate, entitled "An act authorizing the county commissioners' courts to establish and change State roads," reported the same without amendment.

*Ordered to a third reading.*

Mr. Archer, from the committee on State Roads, to which was referred the bill for "An act to prescribe the mode of establishing and changing State roads," reported the same, and recommended its indefinite postponement.

The question was put—"Shall the bill be engrossed for a third reading?" And decided in the negative.

Mr. Archer, from the same committee, reported a bill for "An act to construct a turnpike road from Charleston to Darwin;" which was read the first time, and

*Ordered to a second reading.*

On motion of Mr. Cunningham,

It was read a second time by its title, and,

On motion of Mr. Craig,

Referred to the committee on Internal Improvements.

Mr. Maus, from the committee on Education, reported a bill for "An act to incorporate the Bainbridge Academy, in Franklin county."

On motion of Mr. Churchill,

It was twice read by its title, and

*Ordered* to be engrossed for a third reading.

Mr. Robert Smith, from the committee on the Penitentiary, reported a bill for "An act further defining the duties of Inspectors and Warden of the Penitentiary, and for other purposes," which was twice read, and, on his motion, recommitted to the same committee.

Mr. Kent, from the committee on State Roads, reported a bill for "An act to incorporate the Winslow Bridge Company."

On motion of Mr. Daley,

It was read the first time by its title, and

*Ordered* to a second reading.

On motion of Mr. Kent,

It was read a second time by its title, and

*Ordered* to be engrossed for a third reading.

Mr. Hardin, from the committee on Public Accounts and Expenditures, reported a bill for "An act to classify the railroads of this State," which was read the first time.

On the question—"Shall the bill be ordered to a second reading?"

The yeas and nays were called for by Messrs. Hardin and Read: when,

On motion of Mr. Edmonston,

The House adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Flood, from the committee on Enrolled Bills, reported that the bills, reported last evening as correctly enrolled, were this day laid before the Council of Revision.

On motion of Mr. Edmonston,

The bill for "An act concerning the transcribing of certain records," which was yesterday laid on the table, was taken up, and referred to a select committee.

*Ordered*, That Messrs. Edmonston, Stapp, and Aldrich, be that committee.

On motion of Mr. Craig,

The House reconsidered its vote taken on yesterday, postponing indefinitely the bill for "An act to declare Little Rock river navigable;" and, on his further motion, referred to a select committee.

*Ordered*, That Messrs. Craig, Kent, and Allen of Franklin, be that committee.

Mr. Elkin moved that the House resolve itself into a committee of the Whole, on the bill for "An act to relocate and build the penitentiary;" which was not agreed to.

The bills from the Senate, entitled

"An act making appropriation for a library for the use of the Legislature and the Supreme Court;"

"An act in relation to the resident land tax of Hancock county;"

"An act to amend 'An act to extend the corporate powers of the town of Peoria, approved, 21st February, 1837;' "

"An act to relocate part of a certain State road therein named;" and

"An act to lay out a State road from Shelbyville, in Shelby county, to Decatur, in Macon county;"

Were severally twice read, and

*Ordered* to a third reading.

The bills from the Senate, entitled "An act to authorize the sale of school land in Edwards county," and "An act to establish a State road from Rushville, in Schuyler county, to Pittsfield, in Pike county," were severally twice read, and

*Ordered* to a third reading.

On motion of Mr. Edwards,

The bill from the Senate, entitled "An act to establish a State road from Mount Sterling, via La Grange, Arenz's mills, and Princeton, to Springfield," was read twice by its title, and,

On motion of Mr. Elkin,

Referred to a select committee.

*Ordered*, That Messrs. Elkin, Gilham, and Holmes, be that committee.

On motion of Mr. Rawalt,

The bill from the Senate, entitled "An act concerning a State road in the county of Fulton," was read twice by its title, and referred to the committee on State Roads.

On motion of Mr. Edwards,

The bill from the Senate, entitled "An act to amend an act, entitled 'An act declaring what shall be evidence in certain cases,' approved 10th of January, 1827," was twice read by its title, and,

On motion of Mr. Elkin,

Referred to the committee on the Judiciary.

On motion of Mr. Edwards,

The bill from the Senate, entitled "An act to incorporate the Kaskaskia Insurance Company," was read the first time by its title, and

*Ordered* to a second reading.

On motion of Mr. Alexander,

It was read a second time by its title, and,

On motion of Mr. Elkin,

Referred to the committee on the Judiciary.

The bill from the Senate, entitled "An act dividing the State into judicial circuits," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Edwards,

It was read a second time by its title.

On motion of Mr. Kercheval,

The bill was amended, by striking Kane county out of the seventh and inserting it in the ninth circuit.

On motion of Mr. Hardin,

The county of Scott was inserted in the first circuit.

On motion of Mr. Lincoln,

The counties of Menard, Logan and Dane were added to the eighth circuit.

On motion of Mr. Craig,

Carroll county was added to the sixth circuit; and,

On motion of Mr. Naper,

Du Page county was added to the seventh circuit.

The bill, as amended, was then

*Ordered* to a third reading.

The amendments of the Senate to the bill from the House of Representatives for "An act to regulate public carriages and the law of the road," were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The amendments of the Senate to the bill from the House of Representatives, entitled "An act to organize the county of Carroll," were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The resolution of the Senate, relative to a survey and examination of the Embarrass river, was taken up and read.

The question was put—"Will the House concur in the resolution of the Senate?"

And decided in the negative.

*Ordered*, That the Clerk inform the Senate thereof.

The amendment of the Senate to the bill from the House of Representatives, for "An act to regulate interest on Auditor's warrants," was read, and,

On motion of Mr. Elkin,

The bill and amendment were referred to the committee on Finance.

The bill from the Senate, entitled "An act to apply a part of an appropriation, heretofore made to Clark county, to the improvement of the road from York to the county line of Clark," was read the first time, and,

*Ordered* to a second reading.

On motion of Mr. Ficklin,

It was read a second time by its title, and referred to the committee on State Roads.

The amendments of the Senate to the bills from the House of Representatives, entitled "An act to extend the corporate powers of the town of Pekin," and "An act concerning a State road in Wabash county," were severally read and concurred in; and

The amendment of the Senate to the title of the last named bill was read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The bill from the Senate, entitled "An act to incorporate the Amity Academy, in Bond county, and the Lebanon Female Academy, in St. Clair county," was read the first time by its title, and,

On motion of Mr. Roman,

*Ordered* to a second reading.

On his further motion,

It was read a second time by its title, and referred to the committee on Education.

The bill from the Senate for "An act to incorporate the town of Bloomington," was read the first time by its title, and,

On motion of Mr. Rawalt,

*Ordered* to a second reading.

On motion of Mr. Moore,

It was read a second time by its title, and referred to a select committee.

*Ordered*, That Messrs. Moore, Hull, and Thomas of McLean, be that committee.

The bill from the Senate, entitled "An act for the relief of the trustees of Shawneetown," was read the first time, and

*Ordered* to a second reading.

A message from the Senate, by Mr. Servant, a Senator:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have passed a bill, entitled "An act to incorporate the Liberty Steam-mill Company;" in the passage of which they ask the concurrence of the House. And he withdrew.

The bill from the Senate, entitled "An act making further provisions for the sale of canal lands," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Naper,

The rule of the House was dispensed with, and the bill read the second time by its title, and referred to the committee on Canals and Canal Lands.

The amendments of the Senate to the bill from the House of Representatives, for "An act to incorporate the Charleston Marine and Fire Insurance Company," were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The preamble and resolutions from the Senate, relative to the occupation of the Oregon territory, was taken up, read, and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The Speaker laid before the House a communication from the President of the Board of Public Works, in answer to a resolution of this House, relative to the employment of an agent to purchase iron; which was read, and,

On motion of Mr. George Smith,

Referred to the committee on Finance.

And then the House adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Ficklin,

*Resolved*, That the Clerk inform the Senate that the House is now ready to receive them in the Hall of the House of Representatives, to proceed with the election of Commissioners of the Board of Public Works and Canal Commissioners.

The Clerk having discharged that duty, the Senate, preceded by their Speaker, appeared in the Hall of the House, for the purpose aforesaid.

Whereupon, the two Houses proceeded to the election of Commissioner of the Board of Public Works for the first judicial circuit; and, upon the vote being taken,

Jesse B. Thomas received 68 votes; Murray McConnel received 37 votes; Newton Cloud 19; Scattering, 4 votes.

Those who voted for Mr. Thomas, are,

Messrs. Allen, Blackwell, Borough, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gatewood, Greer, Hamlin, Harrison, Hunter, Little, Mills, Moore, Monroe, Murray, O'Rear, Ross, Servant, Thomas, Turney, and Warren, of the Senate; and

Messrs. Aldrich, Archer, Baker, Churchill, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Emmerson, Ficklin, Gilham, Hardin, Henderson, Henry, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Logan, Lyons, McCormick, McCutchen, McMillan, Marshall, Menard, Morgan, Murphy of Vermilion, Otwell, Philips, Rawalt, Roberts, Smith of Wabash, George Smith, Stapp, Thomas of McLean, Walker of Fulton, and Williams, of the House of Representatives—68.

Those voting for Murray McConnel, are,

Messrs. Gaston, Gibbs, Hacker, Hackelton, Mitchell, Nunnally, Parish, Peck, and Witt, of the Senate; and

Messrs. Alexander, Allen of Franklin, Allen of Green, Bainbridge, Calhoun, Compher, Copland, Crain, Daley, Edmonston, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Hankins, Harris, McWilliams, Moore, Murphy of Cook, Naper, Robinson, Walker of Vermilion, Webb of Alexander, Wood, and Mr. Speaker, of the House of Representatives—37.

Those voting for Newton Cloud, are,

Messrs. Johnston, Richardson, Stadden, Weatherford, and Wood, of the Senate; and

Messrs. Brown, Craig, Happy, Holmes, Houston, Huey, Murphy of Perry, Pace, Read, Roman, Robert Smith, Thomas of St. Clair, Thornton, and Zimmerman, of the House of Representatives—19.

Those voting for John Taylor, are,

Messrs. Herndon, of the Senate, and Kercheval, of the House of Representatives—2.

Those voting for Mr. Happy, are,

Messrs. Cloud and Maus, of the House of Representatives—2.

Jesse B. Thomas, having received a majority of all the votes given, was declared duly elected, by the Speaker of the House of Representatives, Commissioner of the Board of Public Works for the first judicial circuit of the State of Illinois.

The two Houses then proceeded to the election of Commissioner of the Board of Public Works for the second judicial circuit; and, upon the vote being taken,

John Hogan received 67 votes; Robert Smith 33 votes; Nathaniel Buckmaster 15 votes; William Kinney 11 votes; Mr. Morgan 1 vote, and Mr. Wood 1 vote.

Those who voted for Mr. Hogan, are,

Messrs. Allen, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gatewood, Gibbs, Greer, Hamlin, Harrison, Hunter,

Little, Moore, Monroe, Murray, O'Rear, Parrish, Ross, Servant, and Thomas, of the Senate; and

Messrs. Aldrich, Archer, Baker, Copland, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Emmerson, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Logan, Lyons, McCormick, McCutchen, McMillan, Marshall, Menard, Morgan, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, Smith of Wabash, George Smith, Thomas of McLean, Webb of Alexander, and Williams, of the House of Representatives—67.

Those voting for Mr. Robert Smith, are,

Messrs. Hacker, Hackelton, Herndon, Nunnally, Stadden, Warren, and Weatherford, of the Senate; and

Messrs. Alexander, Allen of Franklin, Bainbridge, Brown, Churchill, Cloud, Fisk, Flood, Foster, French, Happy, Harris, Houston, Huey, McWilliams, Maus, Moore, Naper, Pace, Robinson, Roman, Stapp, Walker of Fulton, Walker of Vermilion, Wood, and Zimmerman, of the House of Representatives—33.

Those voting for Nathaniel Buckmaster, are,

Messrs. Borough, Gaston, Johnston, Mitchell, Richardson, and Witt, of the Senate; and

Messrs. Allen of Greene, Compher, Daley, Edmonston, Ficklin, Gouge, Green of Greene, Kercheval, and Murphy of Cook, of the House of Representatives—15.

Those who voted for William Kinney, are,

Messrs. Mills, Peck, Turney, and Wood, of the Senate; and

Messrs. Calhoun, Crain, Green of Clay, Hankins, Murphy of Perry, Thornton, and Zimmerman, of the House of Representatives—11.

Mr. Robert Smith voted for Mr. Morgan.

Mr. Thomas of St. Clair voted for Mr. Wood.

John Hogan, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected Commissioner of the Board of Public Works for the second judicial circuit of the State of Illinois.

The two Houses then proceeded to the election of Commissioner of the of the Board of Public Works for the third judicial circuit; and, upon the vote being taken, Elijah Willard received 64 votes; Tarlton Dunn 59 votes; and Mr. Happy one vote.

Those who voted for Mr. Willard, are,

Messrs. Allen, Borough, Butler, Gaston, Hacker, Hackelton, Hunter, Johnston, Mitchell, Nunnally, Parish, Peck, Richardson, Stadden, Turney, Weatherford, Witt, and Wood of the Senate; and

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Churchill, Cloud, Compher, Craig, Crain, Cunningham, Daley, Edmonston, Emmerson, Fisk, Flood, Foster, French, Green of Clay, Green of Greene, Happy, Harris, Henderson, Holmes, Houston, Huey, Kent, Logan, McWilliams, Maus, Moore, Murphy of Perry, Naper, Pace, Rawalt, Robinson, Roman, Smith of Wabash, Robert Smith, Thomas of St. Clair, Thornton, Walker of Vermilion, Zimmerman, and Mr. Speaker, of the House of Representatives—64.



Those who voted for Tarlton Dunn, are,

Messrs. Blackwell, Browning, Churchill, Davidson, Fithian, Fletcher, Gatewood, Gibbs, Greer, Hamlin, Harrison, Herndon, Mills, Moore, Monroe, Murray, O'Rear, Ross, Servant, Thomas, and Warren, of the Senate; and

Messrs. Archer, Baker, Copland, Dawson, Dubois, Edwards, Elkin, Elliott, Ficklin, Gilham, Hankins, Hardin, Henry, Hull, Jarrott, Johnson, Jones, Kercheval, Kerr, Lincoln, Lyons, McCormick, McCutchen, Marshall, Menard, Morgan, Murphy of Cook, Murphy of Vermilion, Otwell, Philips, Read, Roberts, George Smith, Stapp, Thomas of McLean, Walker of Fulton, Webb of Alexander, and Wood, of the House of Representatives—59.

Mr. Gouge voted for Mr. Copland.

Mr. Williams voted for Mr. Happy.

Elijah Willard, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected Commissioner of the Board of Public Works for the third judicial circuit of the State of Illinois.

The two Houses then proceeded to the election of Commissioner of the Board of Public Works for the fourth judicial circuit; and, upon the vote being taken, Milton K. Alexander received 74 votes, William B. Archer 51 votes; Mr. Houston 1, Mr. Happy 1, and Mr. Williams 1 vote.

Those who voted for Mr. Alexander, are,

Messrs. Allen, Borough, Butler, Gaston, Gibbs, Hacker, Hackelton, Herndon, Johnston, Little Mills, Mitchell, Nunnally, Parish, Peck, Richardson, Warren, Weatherford, Witt, and Wood, of the Senate, and

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Churchill, Cloud, Compber, Copland, Craig, Crain, Daley, Edmonston, Emmerson, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Harris, Henderson, Houston, Huey, Kent, Kercheval, Logan, Lyons, McCutchen, McMillan, McWilliams, Maus, Moore, Murphy of Cook, Murphy of Vermilion, Murphy of Perry, Naper, Pace, Rawalt, Robinson, Roman, Smith of Wabash, George Smith, Robert Smith, Stapp, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker, of the House of Representatives—74.

Those who voted for Mr. Archer, are,

Messrs. Blackwell, Browning, Churchill, Davidson, Fithian, Fletcher, Gatewood, Greer, Hamlin, Harrison, Hunter, Moore, Monroe, Murray, O'Rear, Ross, Servant, Stadden, Thomas, and Turney, of the Senate; and

Messrs. Baker, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Ficklin, Fisk, Gilham, Hardin, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kerr, Lincoln, McCormick, Marshall, Menard, Morgan, Otwell, Philips, Read, Roberts, Thomas of McLean, Thornton, and Webb of Alexander, of the House of Representatives—51.

Mr. Archer voted for Mr. Houston.

Mr. Williams voted for Mr. Happy, and

Mr. Wood voted for Mr. Williams.

Milton K. Alexander, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly

elected Commissioner of the Board of Public Works for the fourth judicial circuit of the State of Illinois.

The two Houses then proceeded to the election of Commissioner of the Board of Public Works for the fifth judicial circuit; and, upon the vote being taken, Hart Fellows received 69 votes; Joel Wright 57 votes; scattering, 2 votes.

Those who voted for Mr. Fellows, are,

Messrs. Blackwell, Borough, Browning, Churchill, Davidson, Fithian, Fletcher, Gatewood, Gibbs, Greer, Harrison, Hunter, Moore, Monroe, Murray, Nunnally, O'Rear, Richardson, Ross, Servant, Thomas, Turney, and Witt, of the Senate, and

Messrs. Allen of Franklin, Allen of Greene, Archer, Baker, Brown, Cunningham, Daley, Dawson, Dubois, Dunn, Edwards, Elliott, Ficklin, Flood, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kercheval, Kerr, Lincoln, Lyons, McCutchen, McMillan, McWilliams, Marshall, Menard, Murphy of Cook, Murphy of Vermilion, Naper, Otwell, Philips, Roberts, Roman, George Smith, Stapp, Thomas of St. Clair, Thornton, Webb of Alexander, and Williams, of the House of Representatives—69.

Those who voted for Mr. Wright, are,

Messrs. Allen, Butler, Gaston, Hacker, Hackelton, Hamlin, Herndon, Johnston, Little, Mills, Mitchell, Parish, Peck, Stadden, Warren, Weatherford, and Wood, of the Senate; and

Messrs. Aldrich, Alexander, Bainbridge, Calhoun, Churchill, Cloud, Compher, Copland, Craig, Crain, Elkin, Emmerson, Fisk, Foster, French, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Huey, Logan, McCormick, Moore, Morgan, Murphy of Perry, Pace, Rawalt, Read, Robinson, Smith of Wabash, Robert Smith, Thomas of McLean, Walker of Fulton, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker, of the House of Representatives—57.

Mr. Edmonston voted for Mr. Hackelton, and

Mr. Maus for Mr. Williams.

Mr. Fellows, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected Commissioner of the Board of Public Works for the fifth judicial circuit of the State of Illinois.

The two Houses then proceeded to the election of Commissioner of the Board of Public Works for the sixth judicial circuit; and, upon the vote being taken, John Dixon received 66 votes; William C. Enos, 30 votes; John Turney, 17 votes; Hunt, 10 votes; scattering, 4.

Those who voted for Mr. Dixon, are,

Messrs. Allen, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gatewood, Greer, Hacker, Hamlin, Harrison, Herndon, Little, Mills, Moore, Monroe, Murray, O'Rear, Ross, Servant, and Thomas, of the Senate; and

Messrs. Aldrich, Archer, Baker, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Elliot, Emmerson, Gilham, Hardin, Henderson, Henry, Holmes, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Logan, Lyons, McCormick, McCutchen, McMillan, Menard, Morgan, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Philips,

Rawalt, Roberts, Smith of Wabash, George Smith, Thomas of McLean, Thornton, and Williams, of the House of Representatives—66.

Those who voted for Mr. Enos, are,

Messrs. Gibbs, Hunter, Johnston, Nunnally, Parrish, Richardson, Warren, and Weatherford, of the Senate; and

Messrs. Alexander, Allen of Franklin, Bainbridge, Brown, Calhoun, Churchill, Cloud, Copland, Daley, Fisk, Flood, French, Gouge, Houston, McWilliams, Maus, Moore, Murphy of Cook, Robert Smith, Webb of Alexander, Zimmerman, and Mr. Speaker, of the House of Representatives—30.

Those who voted for Mr. Turney, are,

Messrs. Blackwell, Borough, Mitchell, Stadden, Turney, and Witt, of the Senate; and

Messrs. Allen of Greene, Edmonston, Green of Greene, Harris, Kercheval, Marshall, Pace, Read, Roman, Thomas of St. Clair, and Wood, of the House of Representatives—17.

Those who voted for Mr. Hunt, are,

Messrs. Gaston, Hackelton, and Wood, of the Senate; and

Messrs. Compher, Foster, Green of Clay, Hankins, Happy, Robinson, and Walker of Fulton, of the House of Representatives—10.

Messrs. Crain and Walker of Vermilion voted for Mr. Harrison.

Mr. Ficklin voted for Mr. Fellows, and

Mr. Stapp voted a blank.

Mr. Dixon, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected Commissioner of the Board of Public Works for the sixth judicial circuit of the State of Illinois.

The two Houses then proceeded to the election of Commissioner of the Board of Public Works for the seventh judicial circuit; and, the vote being taken, Ebenezer Peck received 68 votes; Lorenzo Leland, 45 votes; scattering, 12 votes.

Those who voted for Mr. Peck, are,

Messrs. Blackwell, Davidson, Gaston, Gibbs, Hacker, Hackelton, Harrison, Herndon, Hunter, Johnston, Mills, Mitchell, Monroe, Nunnally, Parrish, Richardson, Stadden, Turney, Warren, Weatherford, Witt, and Wood, of the Senate; and

Messrs. Aldrich, Alexander, Allen of Franklin, Bainbridge, Brown, Calhoun, Cloud, Compher, Copland, Crain, Daley, Edmonston, Emmerston, Fisk, Flood, Foster, French, Gouge, Green of Clay, Hankins, Happy, Harris, Houston, Huey, Kercheval, Logan, McWilliams, Marshall, Maus, Moore, Morgan, Murphy of Cook, Murphy of Perry, Naper, Rawalt, Robinson, Roman, Smith of Wabash, Robert Smith, Thomas of St. Clair, Thornton, Walker of Vermilion, Webb of Alexander, Wood, Zimmerman, and Mr. Speaker, of the House of Representatives—68.

Those who voted for Mr. Leland, are,

Messrs. Allen, Browning, Butler, Churchill, Fithian, Fletcher, Greer, Little, Moore, Murray, O'Rear, Ross, Servant, and Thomas, of the Senate; and

Messrs. Allen of Greene, Archer, Baker, Churchill, Cunningham, Dawson, Dubois, Edwards, Elkin, Elliot, Gilham, Green of Greene,

Hardin, Henderson, Henry, Hull, Johnson, Jones, Kent, Kerr, Lincoln, McCormick, McMillan, Menard, Otwell, Pace, Philips, Roberts, Thomas of McLean, Walker of Fulton, and Williams, of the House of Representatives—45.

Messrs. Jarrott, Lyons, McCutchen, Murphy of Vermilion, and Read, of the House of Representatives, voted for Mr. Ficklin—5.

Mr. Dunn voted for Mr. Hacker.

Mr. Ficklin voted for Mr. Fellows.

Mr. George Smith voted for Mr. Churchill; and

Mr. Stapp voted for Mr. Zimmerman—4.

Mr. Hamlin, of the Senate, and Messrs. Craig and Holmes of the House of Representatives, voted blank—3.

Mr. Peck, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected Commissioner of the Board of Public Works for the seventh judicial circuit of the State of Illinois.

The two Houses then proceeded to the election of a President of the Board of Canal Commissioners; and, the vote being taken, William F. Thornton received 79 votes; scattering, 46.

Those who voted for Mr. Thornton, are,

Messrs. Allen, Blackwell, Borough, Churchill, Davidson, Gibbs, Hacker, Hamlin, Harrison, Herndon, Little, Mitchell, Monroe, Nunnally, Parrish, Peck, Richardson, Servant, Stadden, Thomas, Turney, Warren, Weatherford, Witt, and Wood, of the Senate; and,

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Baker, Bainbridge, Brown, Calhoun, Churchill, Cloud, Craig, Crain, Cunningham, Daley, Edmonston, Edwards, Elkin Elliott, Ficklin, Fisk, French, Green of Clay, Green of Greene, Harris, Houston, Huey, Hull, Johnson, Jones, Kerr, Logan, Lyons, McCutchen, Moore, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Pace, Philips, Roberts, Roman, Smith of Wabash, George Smith, Robert Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Walker of Vermilion, Webb of Alexander, Wood, Zimmerman, and Mr. Speaker, of the House of Representatives—79.

Messrs. Browning and O'Rear, of the Senate, and Dawson Dubois, Hardin, Henderson, Henry, Kent, Lincoln, and McMillan, of the House of Representatives, voted for Cyrus Walker—10.

Messrs. Fletcher, Gaston, and Ross, of the Senate, and Compher, Foster, Hankins, McWilliams, Robinson, and Walker of Fulton, of the the House of Representatives, voted for Samuel Hackelton—9.

Messrs. Hackelton, Hunter, and Moore, of the Senate, and Emmerson and Flood, of the House of Representatives, voted for William Weatherford—5.

Messrs. Jarrott, McCormick, and Williams, of the House of Representatives, voted for Mr. Happy—3.

Messrs. Gilham and Holmes, of the House of Representatives, voted for Mr. Moore—2.

Messrs. Johnston, of the Senate, and Gouge, of the House of Representatives, voted for Mr. Cloud—2.

Messrs. Marshall and Maus, of the House of Representatives, voted for Mr. Warren—2.

Mr. Butler, of the Senate, voted for Mr. Brown.

Gatewood, " blank.

Greer, " for Mr. Mills.

Mills, " for Greer.

Murray, " for Butler.

Mr. Copland, of the House of Representatives, for Mr. Gouge.

Dunn, " for Logan.

Happy, " for Williams.

Kercheval, " for Murphy of C.

Morgan, " for Holmes.

Murphy of Cook, " for Kercheval.

Rawalt, " for Calhoun,

Read, " for Hacker—13.

Mr. Thornton, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected President of the Board of Canal Commissioners.

The two Houses then proceeded to the election of acting Commissioner of the Board of Canal Commissioners, and, the vote being taken, Jacob Fry received 111 votes; scattering, 16.

Those who voted for Mr. Fry, are,

Messrs. Allen, Blackwell, Borough, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gaston, Gatewood, Gibbs, Greer, Hacker, Hackelton, Hamlin, Harrison, Hernden, Hunter, Johnston, Little, Mills, Mitchell, Moore, Monroe, Murray, Nunnally, O'Rear, Parrish, Peck, Richardson, Ross, Servant, Stadden, Thomas, Turney, Warren, Weatherford, and Witt, of the Senate; and

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Baker, Bainbridge, Calhoun, Churchill, Cloud, Compher, Craig, Crain, Cunningham, Daley, Dawson, Dubois, Dunn, Edmonston, Edwards, Elkin, Elliott, Emmerson, Ficklin, Fisk, Flood, Foster, French, Gilham, Gouge, Green of Clay, Green of Greene, Hankins, Hardin, Harris, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kercheval, Kerr, Lincoln, Logan, McCormick, McCutchen, McMillan, McWilliams, Morgan, Murphy of Cook, Murphy of Perry, Naper, Otwell, Pace, Philips, Rawalt, Read, Roberts, Smith of Wabash, George Smith, Robert Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Fulton, Walker of Vermilion, Williams, and Mr. Speaker, of the House of Representatives—111.

Messrs. Wood, of the Senate, and Houston, Lyons, and Marshall, of the House of Representatives, voted for Mr. Prickett—4.

Messrs. Maus, Moore, Murphy of Vermilion, Robinson, Roman, and Webb of Alexander, of the House of Representatives, voted for Mr. Hardin—6.

Mr. Brown voted for Mr. Borough; Mr. Copland, for Mr. Hacker; Mr. Happy, for Mr. McCormick; Mr. Huey, for Mr. Fisk; Mr. Wood, for Mr. Jarrott; and Mr. Zimmerman, for Mr. Baker—6.

Mr. Fry, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected acting Commissioner of the Board of Canal Commissioners.

The two Houses then proceeded to the election of Treasurer of the Board of Canal Commissioners; and, the vote being taken, John A. McClernand received 68 votes; Peter Menard, jr. 57 votes; scattering, 2.

Those who voted for Mr. McClernand, are,  
Messrs. Borough, Gaston, Gatewood, Gibbs, Hacker, Hackelton, Herndon, Hunter, Johnston, Mitchell, Monroe, Nunnally, Parrish, Peck, Richardson, Stadden, Turney, Warren, Weatherford, Witt, and Wood, of the Senate; and

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Churchill, Cloud, Copland, Craig, Crain, Daley, Edmonston, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Harris, Houston, Huey, Kercheval, Logan, McWilliams, Marshall, Maus, Moore, Murphy of Cook, Murphy of Perry, Naper, Rawalt, Read, Robinson, Smith of Wabash, Robert Smith, Thomas of St. Clair, Thornton, Walker of Vermilion, Webb of Alexander, Wood, Zimmerman, and Mr. Speaker, of the House of Representatives—68.

Those who voted for Mr. Menard, are,

Messrs. Allen, Blackwell, Browning, Butler, Churchill, Davison, Fithian, Fletcher, Greer, Hamlin, Harrison, Little, Mills, Moore, Murray, O'Rear, Ross, Servant, and Thomas, of the Senate; and

Messrs. Archer, Baker, Compher, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Emmerson, Ficklin, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutchen, McMillan, Morgan, Murphy of Vermilion, Otwell, Philips, Roberts, George Smith, Stapp, Thomas of McLean, Walker of Fulton, and Williams, of the House of Representatives—57.

Mr. Pace voted blank.

Mr. Roman voted for Mr. Herndon.

John A. McClernand, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected Treasurer of the Board of Canal Commissioners.

The Senate then withdrew:

And then the House adjourned.

### WEDNESDAY, FEBRUARY 20, 1839.

House met pursuant to adjournment.

The following message was received from the Council of Revision, by Mr. McLean, their Secretary:

"The Council of Revision have had under consideration the 'Act supplemental to an act, entitled 'An act for the limitation of actions and for avoiding vexatious law suits,' and return the same to the House of Representatives, because the Council are of opinion that the following clause of the first section, to wit: 'without notice of the title of the person having right of entry, or cause of action,' is calculated to defeat the highly beneficial object the Legislature had in view in passing the act. The Legislature doubtless intended to prevent a dormant title from being asserted, by entry or suit, after the possessor of lands, under color of title, has spent many years of his life in making valuable improvements on the land, and thereby greatly enhancing its value. The

circumstance that the possessor of land having, as he supposes, a good title, has notice of the dormant claim of another, does make no difference. The injury produced by delay in bringing an action is the same whether the possessor has, or has not, notice of an adverse title. It should be the object of the law to protect the vigilant, and not the sleeper, on his rights. It is upon this principle that all statutes of limitations are based. The Council also object to the bill, because its language gives it a retrospective, instead of a prospective, operation.

The Council, in returning the bill have no other object than to have it so amended as completely effectuate what they consider a very important and useful change in our limitation laws. The beneficial operation of a law, which shall stimulate the owners of real estate to bring forward and assert their titles, when there are conflicting claims, and to offer inducements to the prompt payment of taxes, cannot be doubted.

THOS. CARLIN,  
SAMUEL D. LOCKWOOD,  
THOS. C. BROWNE,  
THEO. W. SMITH,  
WM. WILSON.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* The Senate have concurred with the House of Representatives in the passage of bills of the following titles, viz:

"An act to incorporate the Jefferson Institute;"

"An act to change the name of the town of Leesburgh;"

"An act to locate the county seat of Whiteside county, and to provide for the election of county officers;"

"An act for the relief of trustees of schools, in township six north, range eight west, in Madison county;"

"An act declaring Fox river, in White county, a navigable stream;"

"An act to change a part of a State road therein named;"

"An act to authorize Amzi Doolittle to keep a ferry across the Mississippi river;"

"An act to review and relocate a part of the State road leading from Springfield to Decatur;" and

"An act concerning the road from Warsaw to Quincy."

They have also concurred with the House of Representatives in their amendments to the bill, returned to them by the Council of Revision, for "An act to vacate the plat of the town of Savannah, in Iroquois county;" and also in the repassage of said bill, as amended by the House of Representatives.

The Senate have concurred with the House of Representatives in their amendments to the bills from the Senate, entitled as follow:

"An act to incorporate the town of Quincy;"

"An act to locate a State road from the northern boundary of Warren county to Illinois city, in Rock Island county;"

"An act authorizing the location of a State road through parts of Vermilion and Champaign counties;"

"An act to relocate a part of the State road from Calhoun county to Schuyler county;"

"An act to build a bridge across Fox river, at Ottawa;"

"An act to amend an act, entitled 'An act for the relief of the poor,' approved March 1st, 1833."

"An act to amend an act, entitled 'An act to protect the canal lands against trespassers,' approved March 4th, 1837;"

"An act to incorporate the German Library Society of St. Clair county;" and

"An act to establish the Illinois Asylum for the education of the deaf and dumb."

They have adopted "A preamble and resolution concerning the Alton and Mount Carmel railroad;" in the adoption of which they ask a concurrence of the House of Representatives.

They have passed bills of the following titles, viz:

"An act fixing the salary of the Governor, and requiring him to reside at the seat of Government;"

"An act to encourage the culture of silk;"

"An act for the formation of De Witt county;"

"An act to relocate a part of the State road leading from Appanoose to the Drowning fork of Crooked creek;"

"An act changing the place of depositing the public money;"

"An act to incorporate the Galena Chamber of Commerce;"

"An act to incorporate the town of Rushville;"

"An act to incorporate the New Greenfield Hotel Company, in Greene county;"

"An act to review and relocate part of the State road between Shelbyville, in Shelby county, and Palestine, in Crawford county;"

"An act to locate a State road from Charleston to James Keller's, on the Springfield trace;"

"An act relating to common schools in the city of Chicago;"

"An act to incorporate the Exeter Manufacturing Company;"

"An act to amend 'An act to incorporate the Wabash and Indiana Railroad Company;"

"An act to vacate the town plats of the towns of Caledonia, and the first addition to the town of Rome, in the county of Peoria;" and

"An act supplemental to 'An act to incorporate the Quincy, Griggsville, Jacksonville, and Springfield Turnpike Company,' approved 1st March, 1837."

In the passage of which several bills they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in the passage of bills of the following titles, to wit:

"An act to define the bounds of Boon county;"

"An act to establish the county of Hardin;"

"An act to locate and establish certain State roads in Peoria and Knox counties," as amended by them. In which amendments to said bills they ask the concurrence of the House of Representatives.

They amend the title of the last mentioned bill, by striking out the word "and," between the words "Peoria and Knox," and inserting the words "and Rock Island," between the words "Knox" and "counties."

They refuse to concur with them in their amendments to the bill for "An act to amend the several laws in relation to appeal bonds and the trial of appeals." And then he withdrew.

The question pending when the House adjourned yesterday forenoon, being on ordering to a second reading the bill for "An act to classify the railroads of this State," coming up for consideration;



On motion of Mr. Edwards,

The further consideration of the same was postponed until to-morrow evening, at 7 o'clock.

Mr. Churchill presented the remonstrance of sundry citizens of the county of Kane, against the division of said county; which, without reading, was, on his motion, referred to the committee on Counties.

Mr. Fisk presented the petition of sundry citizens of Montgomery county, praying the location of a certain State road therein named; which, without reading, was, on his motion, referred to the committee on State Roads.

Mr. Kent presented the petition of sundry citizens of Whiteside county in relation to certain mill-dams across Little Rock river; which, without reading, was, on his motion, referred to the same select committee to which was referred the bill for "An act to declare Little Rock river navigable."

Mr. Archer presented the remonstrance of 241 citizens of Clark and Edgar counties, against a change of the State road from Vincennes to Chicago, in the south part of Edgar and north part of Clark county: also

The petition of sundry citizens of Clark county, praying a change in that part of the State road leading from Darwin to New Richmond, that lies between Auburn and New Richmond; both of which, without reading, were, on his motion, referred to the same committee of the Whole House to which was referred the bill, entitled "An act to locate and establish, and alter, change, and relocate State roads."

Mr. Robinson presented the petition of sundry citizens of Wayne county, praying that the road from McLeansborough to Shelbyville may pass by the way of Maulding's mill: also

The petition of sundry citizens of Wayne county praying the vacation of a certain State road, and the establishment of another; both of which, without reading, were, on his motion, referred to the committee on State Roads.

Mr. Williams, from the committee on Finance, to which was referred the bill, entitled "An act to regulate interest on Auditor's warrants," and the amendment of the Senate thereto, reported the same, and recommended a concurrence in the amendment of the Senate to said bill.

The amendment of the Senate was then concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Walker of Fulton, from the committee on State Roads, to which was referred the bill from the Senate, entitled "An act concerning a State road in the county of Fulton," reported the same without amendment.

The bill was then

*Ordered* to a third reading.

Mr. Ficklin, from the committee on Education, to which was referred a bill from the Senate, entitled "An act in addition to the several acts authorizing and regulating the sale of school lands," reported the same back without amendment.

The bill was then

*Ordered* to a third reading.

Mr. Lincoln, from the committee on Counties, reported a bill for "An act supplemental to 'An act to establish the counties of Menard, Logan, and Dane;'" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. McCormick, from the committee on Manufactures and Agriculture, reported a bill for "An act to provide for the compensation of witnesses in civil cases;" which was read the first time, and

*Ordered* to a second reading.

Mr. Moore, from the committee on Counties, reported a bill for "An act to dispose of the territory lying west of the Illinois river, in the county of Putnam, and for other purposes;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Henderson,

The rule of the House was dispensed with, and the bill read a second time by its title, and

*Ordered* to be engrossed for a third reading.

Mr. Naper, from the committee on Canals and Canal Lands, reported a bill for "An act for the relief of James Brooks;" which was read the first time, and

*Ordered* to a second reading.

On his further motion,

The rule of the House was dispensed with, and the bill read the second time by its title, and referred to the committee on Canals and Canal Lands.

Mr. Compher, from the committee on Public Buildings and Public Grounds, reported a bill for "An act to change the name of the town of Charleston, in Peoria county;" which was read twice, and

*Ordered* to be engrossed for a third reading.

Mr. Craig, from the committee on the Judiciary, reported a bill for "An act fixing the time for holding courts in the sixth judicial circuit;" which was twice read, and,

On motion of Mr. Craig,

Referred to a select committee.

*Ordered*, That Messrs. Craig, Henderson, and Churchill, be that committee.

Mr. Maus, from the committee on Education, reported a bill for "An act to incorporate the Tazewell County Commercial and Fire Insurance Company;" which was twice read, and,

On motion of Mr. Maus,

Referred to a select committee.

*Ordered*, That Messrs. Maus, Hull, and Baker, be that committee.

Mr. Elkin, from the committee on Engrossed Bills, reported, as correctly engrossed, a bill for "An act supplemental to an act to establish the counties of Menard, Logan, and Dane."

Mr. Moore, from the committee on Counties, to which was referred a certain petition, reported a bill for "An act relative to the county of De Kalb;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Harris, from the committee on the Militia, to which was referred the bill for "An act to grant a compensation to the Brigade Inspector of the second brigade and third division of Illinois militia," and the amendments of the Senate thereto, reported the same without amendment.

On the question—"Will the House concur with the Senate in their amendments to said bill?"

It was decided in the negative.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Allen of Greene, from the committee on State Roads, reported a bill for "An act authorizing the county commissioners' court to construct certain roads in Greene county;" which was twice read, and,

On motion of Mr. Allen of Greene,

Referred to a select committee.

*Ordered*, That Messrs. Allen of Greene, Green of Greene, and Daley, be that committee.

Mr. Dawson, from the committee on the Militia, reported a bill for "An act to encourage the raising and equipping of volunteer companies;" which was twice read, and referred to a select committee.

*Ordered*, That Messrs. Dawson, Harris, and Elkin, be that committee.

Mr. Kent, from the committee on Counties, reported a bill for "An act to vacate certain alleys in the town of Winnebago;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Harris, from the committee on the Militia, reported a bill for "An act to amend an act, entitled 'An act to encourage the killing of wolves,' approved February 15, 1837;" which was twice read, and,

On motion of Mr. Harris,

Referred to a select committee.

*Ordered*, That Messrs. Harris, Lyons, and Edmonston, be that committee.

Mr. Moore, from the committee on Counties, reported a bill for "An act respecting counties, county seats, and county lines;" which was twice read, and,

On motion of Mr. Moore,

Referred to a select committee.

*Ordered*, That Messrs. Moore, Happy, and Kercheval, be that committee.

Mr. Rawalt, from the committee on Finance, reported a bill for "An act to fix the time of holding courts in the fifth judicial circuit, and for other purposes;" which was twice read, and,

On motion of Mr. Rawalt,

Referred to a select committee.

*Ordered*, That Messrs. Rawalt, Edmonston, and Flood, be that committee.

Mr. Hardin, from the committee on the Judiciary, reported a bill for "An act to fix the time of holding courts in the first judicial circuit;" which was twice read, and,

On motion of Mr. Hardin,

Referred to the committee on the Judiciary.

Mr. Hardin, from the same committee, reported a bill for "An act to amend 'An act in relation to religious societies;'" which was twice read, and,

On motion of Mr. Johnson,

Referred to a select committee.

*Ordered*, That Messrs. Johnson, Otwell, and Roberts, be that committee.

Mr. Robinson, from the committee on Elections, reported a bill for "An act supplemental to 'An act to incorporate the Mount Carmel and Alton Railroad Company;'" which was twice read, and,

On motion of Mr. Smith of Wabash,

Referred to the committee on Internal Improvements.

Mr. Naper, from the committee on Claims, to which was referred a bill for "An act making appropriations for the years 1839 and 1840," reported the same back with amendments; and,

On motion of Mr. Elkin,

The consideration of the bill and amendments were postponed till 7 P. M.

Mr. McCutchen, from the committee on the Judiciary, reported a bill for "An act to improve a certain road therein named;" which was twice read, and,

On motion of Mr. McCutchen,

Referred to the committee on State Roads.

Mr. Ficklin, from the committee on Education, reported a bill for "An act to incorporate the trustees of the Rushville Female Seminary;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Crain, from the committee on Engrossed Bills, reported, as correctly engrossed, bills of the following titles, viz:

"An act supplemental to an act, entitled 'An act to extend the corporate powers of the town of Peoria,' approved February 21, 1837;"

"An act to revive an act, entitled 'An act to incorporate the stockholders of the Randolph Manufacturing Company,' approved January 16, 1836;"

"An act to provide for the location of the county seat of Cass county;"

"An act vacating a part of the town of Illinois city, and changing the name of the residue to that of Uniontown;"

"An act to authorize Narcise Penconneau to build a bridge over the Kaskaskia river, at Athens, in St. Clair county;"

"An act to establish a State road therein named;"

"An act to incorporate the seminaries of learning therein named;"

"An act to establish the Mississippi Ferry Company at Savannah, and for other purposes;"

"An act to create the county of Lee from the county of Ogle;" and

"An act to create and establish the county of Jersey."

Mr. George Smith, from the committee on Manufactures and Agriculture, reported a bill for "An act authorizing the county commissioners' court of Madison county to levy and collect a special tax;" which was twice read, and, on his motion, referred to a select committee.

*Ordered*, That Messrs. George Smith, Otwell, and Jarrott, be that committee.

Mr. Kent, from the committee on Finance, reported a bill for "An act for the distribution of certain school funds;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Cloud, from the committee on Canals and Canal Lands, reported a bill for "An act concerning the school fund in township 13 north, of range 8 west;" which was twice read, and, on his motion, referred to a select committee.

*Ordered*, That Messrs. Cloud, Happy, and Calhoun, be that committee.

Mr. Henry, from the committee on Manufactures and Agriculture, reported a bill for "An act in relation to mechanical societies;" which was twice read, and, on his motion, referred to a select committee.

*Ordered*, That Messrs. Henry, Thomas of St. Clair, and Gilham, be that committee.

Mr. Daley, from the committee on Finance, reported a bill for "An act to incorporate the Greene County Mutual Fire Insurance Company;" which was twice read, and,

On motion of Mr. Daley,  
Referred to a select committee.

*Ordered*, That Messrs. Daley, Morgan, and Copland, be that committee.

Mr. Robert Smith, from the committee on Public Accounts and Expenditures, reported a bill for "An act providing for revising and reprinting the laws of this State;" which was twice read, and, on his motion, referred to a select committee.

*Ordered*, That Messrs. Robert Smith, Brown, and Ficklin, be that committee.

Mr. Walker of Vermilion, from the committee on Finance, reported a bill for "An act to prescribe the punishment of offences committed by mobs;" which was twice read, and, on his motion, referred to the committee on the Judiciary.

Mr. Murphy of Vermilion offered for adoption the following resolution:

*Resolved by the House of Representatives, the Senate concurring herein*, That the two Houses will meet in the hall of the House of Representatives, on Saturday, the 23d instant, at 7 o'clock P. M., for the purpose of electing State's Attorneys for the 3d, 4th, 5th, 6th, and 7th judicial circuits in this State.

Mr. Lyons moved the previous question, which was sustained; and the resolution was adopted.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Smith of Wabash, from the committee on Internal Improvements, reported a bill for "An act to amend 'An act to establish and maintain a general system of internal improvements;'" which was twice read, and, on his motion, recommitted to the same committee.

Mr. Thornton, from the committee on Internal Improvements, reported a bill for "An act for the relief of Joseph Oliver, of Shelby county;" which was twice read, and, on his motion, referred to a select committee.

*Ordered*, That Messrs. Thornton, Naper, and Dawson, be that committee.

On motion of Mr. Robert Smith,

The rules were dispensed with, and leave given him to introduce the following resolution:

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of so amending the license law as to place all articles, manufactured in this State, upon an equality, so far as the sale of the same is concerned; and that they be requested to report by bill or otherwise.

Which was adopted.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have adopted the following resolution:

*Resolved by the Senate, the House of Representatives concurring herein,* That the two Houses meet in the hall of the House of Representatives, on the 20th day of February, instant, at 7 o'clock P. M., for the purpose of electing a judge of the first judicial circuit, to fill the vacancy occasioned by the resignation of the Hon. Jesse B. Thomas.

In the adoption of which they ask the concurrence of the House of Representatives. And he withdrew.

Mr. Huey, from the committee on State Roads, reported a bill for "An act for the benefit of the persons therein named;" which was twice read, and, on his motion, referred to the committee on the Judiciary.

Mr. McWilliams, from the committee on Education, reported a bill for "An act for the relief of Andrew Cochran and others;" which was twice read, and

*Ordered* to be engrossed for a third reading.

A message from the Governor, by A. P. Field, Esq., Secretary of State:

EXECUTIVE DEPARTMENT,

*Vandalia, February 20, 1839.*

To the Hon. the SPEAKER of the House of Representatives:

SIR: I have the honor to inform the House of Representatives that a vacancy has occurred in the office of judge of the first judicial circuit, by the resignation of the Hon. Jesse B. Thomas.

I have the honor to be, sir,  
your obedient servant,

THOMAS CARLIN.

And he withdrew.

On motion of Mr. Elkin,

The message was laid on the table.

On motion of Mr. Fisk,

The resolution of the Senate, appointing this evening, at 7 P. M., for the election of judge of the first judicial circuit, was taken up.

On his further motion,

It was amended, by adding thereto, "and directors, on the part of the State, for the State Bank of Illinois, and Bank of Illinois."

The resolution, as amended, was then passed.

*Ordered,* That the Clerk inform the Senate thereof, and ask their concurrence in the amendments of the House of Representatives.

Mr. Johnson, from the committee on Education, reported a bill for "An act to authorize the sale of the saline lands in Bond county;" which was twice read, and, on his motion, referred to the committee on Salines.

Mr. Green of Clay, from the committee on Claims, reported a bill for "An act to elongate the time of building certain bridges in Clay county, and for other purposes;" which was twice read, and, on his motion, referred to the committee on State Roads.

Mr. Green of Clay, from the committee on Claims, reported a bill for "An act for the improvement of the Little Wabash river, and for other purposes;" which was twice read, and, on his motion, referred to a select committee.

*Ordered*, That Messrs. Green of Clay, Hankins, and Compher, be that committee.

Mr. Green of Clay, from the committee on Claims, reported a bill for "An act making certain appropriations on the Western Mail route, and for other purposes;" which was twice read, and, on his motion, referred to the committee on Internal Improvements.

Mr. Roman, from the committee on Education, reported a bill for "An act to change the location of a certain road therein named;" which was twice read, and, on his motion, referred to a select committee.

*Ordered*, That Messrs. Roman, McMillan, and Cunningham, be that committee.

Mr. Henderson, from the committee on Canals and Canal Lands, reported a bill for "An act to amend 'An act to provide for the election of probate justices of the peace,' approved March 4, 1837;" which was twice read, and, on his motion, referred to a select committee.

*Ordered*, That Messrs. Henderson, Compher, and Hardin, be that committee.

Mr. Henderson, from the same committee, reported a bill for "An act to amend an act, entitled 'An act relating to the office of recorder;'" which was twice read, and, on his motion, referred to a select committee.

*Ordered*, That Messrs. Henderson, Kent, and Churchill, be that committee.

Mr. Henderson, from the same committee, reported a bill for "An act to regulate the time of holding the circuit courts in the several counties composing the ninth judicial circuit;" which was twice read, and, on his motion, referred to a select committee.

*Ordered*, That Messrs. Henderson, Craig, and Kent, be that committee.

Mr. Henderson, from the same committee, reported a bill for "An act to amend 'An act regulating the salaries, fees, and compensation of the several officers and persons therein mentioned;'" which was twice read, and, on his motion, referred to the committee on the Judiciary.

Mr. Henderson, from the same committee, reported a bill for "An act for the encouragement and promotion of education;" which was twice read, and, on his motion, referred to a select committee.

*Ordered*, That Messrs. Henderson, Craig, and Thomas of McLean, be that committee.

Mr. Craig, from the committee on the Penitentiary, reported a bill for "An act making an appropriation for the improvement of the navigation of Rock river;" which was twice read, and, on his motion, referred to the committee on Internal Improvements.

Mr. Logan, from the committee on Canals and Canal Lands, reported a bill for "An act for the relief of persons therein named;" which was twice read, and, on his motion, referred to a select committee.

*Ordered*, That Messrs. Logan, Hull, and Zimmerman, be that committee.

Mr. Robert Smith, from the committee on Public Accounts and Expenditures, reported a bill for "An act to locate and establish a State road in the counties of Kane and De Kalb;" which was twice read, and,

On motion of Mr Churchill,  
Referred to a select committee.

*Ordered*, That Messrs. Churchill, Craig, and Kent, be that committee.

On motion of Mr. Happy,  
The rules were dispensed with, and leave given him to introduce the report of a select committee.

Mr. Happy, from the select committee to which was referred a bill from the Senate, entitled "An act to authorize limited partnerships," reported the same without amendment, and it was

*Ordered* to a third reading.

Mr. Robert Smith moved to dispense with the rule, and read the bill a third time by its title; which was not agreed to.

And then the House adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

House met pursuant to adjournment.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: The Senate have concurred with the House of Representatives in their amendment to the Senate's resolution to bring on the election of a judge of the first judicial circuit, &c. And he withdrew.

On motion of Mr. Elkin,

The rules were dispensed with, and the engrossed bill, entitled "An act supplemental to 'An act to establish the counties of Menard, Logan, and Dane,'" was taken up, read a third time, and passed.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk inform the Senate thereof, and ask their concurrence therein.

The bill from the Senate, entitled "An act in relation to the county of Macon," was twice read, and,

On motion of Mr. Thomas of McLean,

Referred to a select committee of five.

*Ordered*, That Messrs. Thomas of McLean, Gouge, Elkin, Walker of Vermilion, and Roman, be that committee.

A message from the Council of Revision, by Mr. McLean, their Secretary:

*Mr. Speaker*: The Council of Revision have approved acts of the following titles, viz:

"An act to authorize Henry W. Cleaveland to build a toll-bridge across the Winnebago swamp;"

"An act to authorize the clerk of the Madison circuit court to procure the binding of certain records;"

"An act to incorporate the Des Moines Rapids Railroad Company;"

"An act supplemental to 'An act to authorize Ezra Baker, jr., to erect a mill-dam near Coffee island, on the Great Wabash river;"

"An act to incorporate the town of Fayette, in Greene county;"



"An act to incorporate the Warsaw University of Illinois;" and

"An act to constitute the town of Manchester a justices and constable's district."

The bill from the Senate, entitled "An act to authorize the trustees of schools in township seven north, range seven east, to revalue the sixteenth section," was twice read, and

*Ordered* to a third reading,

On motion of Mr. Compher,

It was read a third time, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

The bill from the Senate, entitled "An act to provide for the specific execution of contracts in relation to the payment of interest," was twice read, and

*Ordered* to a third reading.

The bill from the Senate, entitled "An act further to provide for the release and extinction of mortgages," was twice read, and

*Ordered* to a third reading.

The amendments of the Senate to the bill from the House of Representatives, entitled

"An act to authorize L. D. Hilerman to build a mill-dam across the Little Wabash river, in Clay county;"

"An act to incorporate the Mount Carmel Female Seminary;"

"An act to locate a State road from Mount Sterling, in Schuyler county, to Macomb, in McDonough county;" and

"An act to incorporate the Illinois Mutual Fire Insurance Company;"

Were severally read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The amendments of the Senate to the bill from the House of Representatives, entitled "An act to amend the acts in relation to constables," were read.

The question was put—"Will the House concur in the amendments of the Senate?"

And decided in the negative.

*Ordered*, That the Clerk inform the Senate thereof.

The bill from the Senate, entitled "An act to extend the powers of the corporation of Shawneetown," was twice read, and

*Ordered* to a third reading.

On motion of Mr. Marshall,

It was read a third time, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the passage thereof.

The bill from the Senate, entitled "An act to provide for the dedication of lots, in towns situated on canal lands, to public purposes," was twice read, and

*Ordered* to a third reading.

The bill from the Senate, entitled "An act providing for the improvement of certain roads in Edgar county," which was amended by the House of Representatives, and in which amendment the Senate refused to concur, was taken up, and,

On motion of Mr. Dubois.

Laid on the table

The amendments of the Senate to the bill from the House of Representatives, entitled "An act supplementary to an act to incorporate the Alton Marine and Fire Insurance Company," were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The bill from the Senate, entitled "An act to incorporate the Liberty Steam-mill Company," was read, and

*Ordered* to a second reading.

On motion of Mr. Jones,

The bill was read a second time, and

*Ordered* to a third reading.

On motion of Mr. Robert Smith,

The bill was read a third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the passage thereof.

The bill from the Senate, entitled "An act for the relief of the trustees of Shawneetown," was read a second time, and

*Ordered* to a third reading.

On motion of Mr. Robert Smith,

The bill from the Senate, some time since laid on the table, entitled "An act to provide for the appointment of notaries public," was taken up, considered, and

*Ordered* to a third reading.

On motion of Mr. Fisk,

The bill was read a third time, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the passage thereof.

The engrossed bill, entitled "An act authorizing the improvement of the Big Muddy river," was read the third time.

Mr. Dubois moved to amend the bill, by adding the following, viz:

"That the sum of ten thousand dollars is hereby appropriated, out of the internal improvement fund, for the purpose of improving the navigation of the Embarrass river, to be expended under the direction of the Board of Public Works;" which was not agreed to

Mr. Cunningham moved to lay the bill on the table; which was not agreed to.

The question was then put—"Shall the bill pass?"

And decided in affirmative, by yeas and nays, on the call of Messrs. Dubois and Read, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Franklin, Allen of Greene, Archer, Baker, Bainbridge, Calhoun, Churchill, Cloud, Compher, Craig, Crain, Dawson, Edwards, Elkin, Foster, French, Gilham, Green of Clay, Green of Greene, Happy, Hardin, Harris, Henry, Holmes, Huey, Johnson, Jones, Kent, Lincoln, Logan, McCormick, Marshall, Moore, Naper, Otwell, Pace, Philips, Read, Roberts, Robinson, Roman, Smith of Wabash, George Smith, Robert Smith, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—52.

Those who voted in the negative, are,

Messrs. Alexander, Copland, Cunningham, Daley, Dubois, Dunn,

Edmonston, Elliott, Emmerson, Ficklin, Fisk, Henderson, Houston, Jarrott, Kerr, McMillan, McWilliams, Morgan, Murphy of Vermilion, Rawalt, and Stapp—21.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk carry the bill to the Senate, and ask their concurrence therein.

The engrossed bills, entitled

“An act to incorporate the Mount Carmel Grimke Literary Association;”

“An act to incorporate the Marshall Academy;”

“An act of incorporation of the Fulton County Mutual Fire Insurance Company;”

“An act authorizing the sale of certain real estate therein named;” and

“An act to appoint an additional notary public in the county of Montgomery;”

Were severally read the third time, and passed.

*Ordered*, That the title of the bills be as aforesaid, that the Clerk carry said bills to the Senate, and ask their concurrence therein.

On motion of Mr. Thomas of St. Clair.

The vote on the passage of the bill, entitled “An act to incorporate the Marshall Academy,” was reconsidered.

The bill was then again passed.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk carry said bill to the Senate, and ask their concurrence therein.

The bill from the Senate, entitled “An act making an appropriation for a library for the use of the Legislature and Supreme Court,” was read a third time, and passed.

The yeas and nays being called for, on the passage of this bill, by Messrs. Foster and Read, are as follow:

Those who voted in the affirmative, are,

Messrs. Archer, Baker, Calhoun, Churchill, Craig, Cunningham, Daley, Dawson, Edwards, Elkin, Emmerson, Ficklin, Fisk, Flood, French, Gilham, Happy, Hardin, Henderson, Henry, Holmes, Hull, Johnson, Kent, Kercheval, Kerr, McCormick, Naper, Pace, Philips, Rawalt, Roberts, Smith of Wabash, Thornton, Walker of Fulton, Walker of Vermilion, Williams, and Mr. Speaker—38.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Brown, Compher, Dubois, Elliott, Foster, Green of Clay, Green of Greene, Harris, Houston, Huey, Jarrott, McMillan, McWilliams, Moore, Otwell, Read, Roman, George Smith, Stapp, Thomas of McLean, Thomas of St. Clair, and Zimmerman—25.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

And then the House adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Lincoln,

The rules of the House were dispensed with, and leave given him to make a report from a standing committee.

Mr. Lincoln, from the committee on Elections, reported a bill for "An act to incorporate the Franklin Institute;" which was read twice, and,

On motion of Mr. Allen of Franklin,

Referred to the committee on Education.

Mr. Pace, from the committee on Manufactures and Agriculture, reported a bill for "An act to create a silk-growing and manufacturing company;" which was twice read, and, on his motion, referred to a select committee.

*Ordered*, That Messrs. Pace, Foster, and Huey, be that committee.

Mr. Dawson, on leave given, introduced a bill for "An act to authorize the Governor to appoint bank directors;" which was twice read, and,

On motion of Mr. Edwards,

Referred to the committee on the Judiciary.

On motion of Mr. Cloud,

*Ordered*, That the Clerk inform the Senate that the House is now ready to receive them, and proceed to the election of Judge of the first judicial circuit, &c.

The Senate, preceded by their Speaker, appeared in the hall of the House of Representatives; and the two Houses proceeded to the election of Judge of the first judicial circuit of the State of Illinois, by joint ballot of both Houses.

Messrs. Harrison of the Senate, and Smith of Wabash, of the House of Representatives, were appointed tellers; and, the vote being taken,

William Thomas received	-	-	-	70 votes,
Samuel H. Treat received	-	-	-	48 votes,
Scattering,	-	-	-	5 votes.

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Mr. Thomas, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected Judge of the first judicial circuit of the State of Illinois.

The two Houses then proceeded to the election of Directors of the State bank of Illinois, on the part of the State of Illinois; and, pending the election,

On motion,

The two Houses adjourned the election until Saturday next, at 7 o'clock, P. M.

The Senate then withdrew;

And the House adjourned.

THURSDAY, FEBRUARY 21, 1839.

House met pursuant to adjournment.

The bill, entitled "An act making appropriations for the years 1839 and 1840," which was referred to the committee on Claims, and by them reported with sundry amendments, again coming up for consideration;

On motion of Mr. Ficklin,

The further consideration thereof was postponed until 7 o'clock, P. M.

Mr. Cloud, from the committee on Canals and Canal Lands, to which was referred the bill from the Senate for "An act to provide for a loan for canal purposes," reported the same without amendment.

*Ordered* to a third reading.

On motion of Mr. Cloud,

The bill was read a third time.

On the question—"Shall the bill pass?"

It was decided in the affirmative, by yeas and nays, upon the call of Messrs. Carpenter and Rawalt, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Greene, Archer, Baker, Brown, Calhoun, Churchill, Cloud, Compher, Craig, Daley, Dawson, Edwards, Elkin, Fisk, Gilham, Gouge, Green of Clay, Green of Greene, Hardin, Henderson, Henry, Hull, Kent, Kercheval, Kerr, Lincoln, Logan, McCormick, McCutchen, McWilliams, Moore, Murphy of Cook, Naper, Otwell, Rawalt, Roberts, Robinson, Roman, Smith of Wabash, Robert Smith, Thomas of McLean, Thomas of St. Clair, Walker of Vermilion, Williams, Zimmerman, and Mr. Speaker—47.

Those who voted in the negative, are,

Messrs. Alexander, Carpenter, Copland, Dubois, Elliott, Emmerson, Ficklin, Foster, Holmes, Houston, Huey, Jarrott, McMillan, Morgan, Murphy of Vermilion, Pace, Philips, George Smith, and Walker of Fulton—19.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the passage thereof.

Mr. Roman, from the committee on Engrossed Bills, reported, as correctly engrossed, bills, entitled

"An act to incorporate the Commerce Hotel Company;"

"An act to incorporate the First Congregational Society of Princeton;"

"An act to incorporate the town of Shelbyville;"

"An act to authorize a loan of money;"

"An act to incorporate the Illinois Legion;" and

An act to amend an act, entitled 'An act concerning sheriffs and coroners,' approved 12th of February, 1837."

Mr. Cloud, from the committee on Canal and Canal Lands, to which was referred a bill from the Senate, entitled "An act making further provision for the sale of canal lands," reported the same without amendment.

The bill was then

*Ordered* to a third reading.

On motion of Mr. Naper,

The rule of the House was dispensed with, and the bill read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. Ficklin, from the committee on Education, to which was referred the bill for "An act to incorporate the Warren County Male and Female Seminary," reported the same without amendment.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Moore, from the committee on Counties, to which was referred the petition of sundry citizens of Morgan county, praying that a part of Morgan be attached to Cass county, reported the same back, and asked to be discharged from the further consideration of the same; which was granted.

Mr. Hardin, from the committee on the Judiciary, to which was referred the bill for "An act for the relief of Enoch Enloe," reported the same without amendment.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Moore, from the committee on Counties, to which was referred the petition of sundry citizens of Cook county, praying they may be attached to Kane, reported the same, and asked to be discharged from the further consideration of the subject; which was granted.

Mr. Churchill, from the select committee to which was referred the bill for "An act to locate and establish a State road in the counties of Kane and De Kalb," reported the same without amendment.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Cloud, from the committee on Canals and Canal Lands, to which was referred the bill from the Senate for "An act to provide for the selling of water-lots and privileges on the Illinois and Michigan canal," reported the same without amendment.

The bill was then

*Ordered* to a third reading.

On motion of Mr. Naper,

The rule of the House was dispensed with, and the bill read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. Cloud, from the committee on Canals and Canal Lands, to which was referred the bill from the Senate for "An act to incorporate the La Salle Charity Hospital," reported the same without amendment.

The bill was then

*Ordered* to a third reading.

On motion of Mr. Naper,

The rule of the House was dispensed with, and the bill read a third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. Ficklin, from the committee on the Judiciary, to which was referred a certain resolution in relation to the law defining the duties of probate justices of the peace, reported the same back, and asked to be discharged from the further consideration of the same; which was granted.

Mr. Alexander, from the select committee to which was referred a certain petition, reported a bill for "An act authorizing sale of property in Hudsonville, and appropriating the avails thereof," which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Gouge, from the select committee to which was referred a certain petition, reported a bill for "An act for the relief of Ezekiel Lane, Matthew K. Martin, and David Martin;" which was twice read, and,

On motion of Mr. Moore,

Referred to the committee on Education.

On motion of Mr. Williams,

The bill returned by the Council of Revision, with their objections to the same becoming a law, entitled "An act supplemental to an act, entitled 'An act to amend an act for the limitation of actions and for avoiding vexatious law suits,'" was taken up and referred to a select committee.

*Ordered*, That Messrs. Williams, Lincoln, and Craig, be that committee.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred the bill for "An act to define the duties of officers connected with the internal improvement system," reported a substitute for the original bill; which was read and concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Ficklin, from the committee on the Judiciary, to which were referred the bill for "An act to authorize St. Clair county to establish a ferry across the Mississippi river," and divers petitions on the same subject, reported the bill with amendments; which were read and concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Elkin, from the select committee to which was referred the bill from the Senate, entitled "An act to establish a State road from Mount Sterling, via La Grange, Arenz's mills, and Princeton to Springfield," reported the same with amendments; which were read and concurred in, and, the bill as amended,

*Ordered* to a third reading.

On motion of Mr. Dawson,

The rule of the House was dispensed with, and the bill read a third time by its title as amended, and passed.

On motion of Mr. Elkin,

The title of the bill was amended, by adding "and for attaching part of the county of Shelby to the county of Dane."

*Ordered*, That the title of the bill be as amended, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendments to said bill and title.

Mr. Archer, from the select committee to which was referred a bill for "An act altering a part of Archer's addition to Lockport," reported the

same with an amendment; which was read and concurred in, and the bill, as amended,

*Ordered* to be engrossed for a third reading.

Mr. Brown, from the select committee to which was referred a bill from the Senate, entitled "An act to authorize the Governor to commission the sheriff of Schuyler county," reported the same with an amendment; which was read and concurred in, and the bill, as amended,

*Ordered* to a third reading.

Mr. Kercheval, from the select committee to which was referred a bill for "An act to incorporate the Des Plaines Steam Mill Company," reported the same with amendments; which were read and concurred in, and the bill, as amended,

*Ordered* to be engrossed for a third reading.

Mr. Thomas of McLean, from the select committee to which was referred a certain petition, reported a bill, entitled "An act to locate a State road in McLean and Tazewell counties;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Thomas of McLean, from the select committee to which was referred a certain petition, reported a bill for "An act declaring a certain county road, in McLean county, a State road;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Moore, from the select committee to which was referred a bill for "An act to locate a State road from Bloomington to Lexington, in McLean county," reported the same with amendments; which were read and concurred in, and the bill, as amended,

*Ordered* to be engrossed for a third reading.

Mr. Henderson, from the select committee to which was referred a bill, entitled "An act relating to the office of recorder," reported the same without amendment; and the bill was

*Ordered* to be engrossed for a third reading.

Mr. Moore, from the committee on Counties; to which was referred the memorial of sundry citizens of Fulton county, praying for an act to authorize the legal voters of said county to vote for or against the removal of the county seat, at a special election, reported the same back, and asked to be discharged from the further consideration thereof; which was granted.

Mr. Cunningham presented a petition for a review and relocation for a State road from Shelbyville, through Coles county, to Danville, in Vermilion county; which was, on his motion, referred, without reading, to the committee on State Roads.

Mr. Ficklin presented the petition of sundry citizens of Coles county, praying an appropriation to construct a bridge across Kaskaskia river; the reading of which was, on his motion, dispensed with, and the petition referred to the committee on Internal Improvements.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred a bill, entitled "An act making an appropriation for the improvement of the navigation of the Embarrass river," reported the same without amendment.

The bill was then

*Ordered* to be engrossed for a third reading.



Mr. Flood, from the committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles, viz:

"An act to incorporate Kane college;"

"An act to regulate interest on Auditor's warrants;"

"An act to provide for the removal of the public offices to Springfield;"

"An act to amend an act, entitled 'An act for the relief of the poor,' approved March 1st, 1833;"

"An act declaring Fox river, in White county, a navigable stream;"

"An act to incorporate the Jefferson Institute;"

"An act to locate the county seat of Whiteside county, and to provide for the election of county officers;"

"An act concerning certain State roads in the counties of Wabash and Lawrence;"

"An act to amend 'An act to incorporate the Union College of Illinois;"

"An act authorizing the location of a State road through parts of Vermilion and Champaign counties;"

"An act to vacate the survey and plat of the town of Middleton;"

"An act for the relief of the trustees of schools in township 6 north, range 8 west, in Madison county;"

"An act to build a bridge across Fox river, at Ottawa;" and

"An act to incorporate the town of Quincy."

Mr. Johnson, from the select committee to which was referred the bill for "An act to amend 'An act in relation to religious societies,'" reported the same with sundry amendments; which were read and concurred in.

Mr. Alexander moved to postpone indefinitely the bill as amended.

The question was taken thereon, by yeas and nays, on the call of Messrs. Carpenter and Alexander, and decided in the negative as follow:

Those who voted in the affirmative, are,

Messrs. Alexander, Carpenter, Compher, Huey, Kercheval, McMillan, Naper, Wood, and Zimmerman—9.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Greene, Archer, Bainbridge, Brown, Calhoun, Churchill, Cloud, Copland, Craig, Crain, Daley, Dawson, Dunn, Edwards, Elliott, Ficklin, Fisk, Foster, French, Gilham, Gouge, Green of Greene, Happy, Hardin, Henderson, Henry, Holmes, Houston, Hull, Jarrott, Johnson, Kent, Kerr, Lincoln, McCutchen, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Vermilion, Otwell, Pace, Philips, Rawalt, Read, Roberts, Robinson, Roman, Smith of Wabash, George Smith, Robert Smith, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Fulton, Walker of Vermilion, Williams, and Mr. Speaker—59.

The bill was then

*Ordered* to be engrossed for a third reading.

On motion of Mr. R. Smith,

The resolution relative to the survey of a site for a bridge across the Mississippi river at Alton, &c. offered by him some time since, and laid on the table, was taken up.

On motion of Mr. Roman,

The vote taken on the amendment offered by him was reconsidered; and the amendment was then withdrawn.

The resolution, as formerly amended on the motions of Messrs. Ficklin and George Smith, was then passed.

*Ordered*, That the Clerk carry the same to the Senate, and ask their concurrence therein.

Mr. Churchill presented a petition of certain citizens of Kane county, relative to the retail of intoxicating liquors; which was referred, without reading, on his motion, to the committee on the Judiciary.

Mr. George Smith presented the petitions of certain male and female citizens of Whiteside and Pike counties, upon the same subject; which were referred, without reading, on his motion, to the same committee.

On motion of Mr. Hardin,

The bill from the Senate, entitled "An act dividing the State into judicial circuits," was taken up, the rules being dispensed with for that purpose; and,

On his further motion,

The bill was referred to the committee on the Judiciary.

And then the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Churchill, from the committee on Enrolled Bills, reported that the bills, this morning reported as correctly enrolled, were this day laid before the Council of Revision.

Mr. Craig moved that the House resolve itself into a committee of the Whole upon the bill for "An act to relocate and build the Penitentiary;" which was not agreed to.

On motion of Mr. Walker of Vermilion,

The House then resolved itself into a committee of the Whole upon the bill for "An act to locate and establish, and alter, change and relocate State roads;" and, after some time spent therein, the Speaker resumed the chair, and Mr. Cloud, their chairman, reported that the committee had, according to order, had said bill under consideration, and made some progress therein, and directed him to ask leave to sit again; which was granted.

On motion of Mr. Dawson,

The rules were dispensed with, and leave given him to report from a select committee.

Mr. Dawson, from the select committee to which was referred a bill for "An act to limit the punishment of murder," reported the same with an amendment; which was read.

Mr. Carpenter moved to refer to a select committee; which was not agreed to.

Mr. Dubois moved to postpone indefinitely the bill and amendment.

The question was taken thereon, by yeas and nays, on the call of Messrs. Walker of Vermilion, and Rawalt, and decided in the negative, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Bainbridge, Carpenter, Dubois, Edwards, Elkin, Ficklin, Fisk, French, Green of Clay, Hardin, Harris, Henry, Kercheval, Lincoln, McCutchen, Maus, Moore, Naper, Philips, Robinson, Smith of Wabash, Robert Smith, and Thornton—24.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Greene, Brown, Churchill, Copland, Craig, Crain, Cunningham, Dawson, Edmonston, Elliott, Emmerson, Foster, Gilham, Gouge, Green of Greene, Happy, Henderson, Holmes, Houston, Huey, Hull, Jarrott, Johnson, Kent, Kerr, McMillan, McWilliams, Morgan, Otwell, Pace, Rawalt, Read, Roberts, George Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, and Zimmerman—41.

Mr. Smith of Wabash moved to amend the report of the select committee, by striking out so much as requires an oath before an appeal can be taken; which was agreed to.

Mr. Jarrott moved to amend the report as amended, by adding the following:

“And when an appeal is taken, and the judgment is reversed in the circuit court, the appellant shall be allowed, in addition to the judgment and cost which may be given in his favor, fifty per cent. on the cost he may have paid in the lower court;” which amendment was not adopted.

Mr. Dawson moved to amend, by adding the following:

“Suits brought before justices of the peace, in this State, shall be brought in the district where the debt was contracted, or where the defendant resides.”

Mr. Henry moved to lay the whole on the table until the 4th day of July next.

Mr. Hardin moved to lay the whole on the table; which was agreed to.

Mr. Maus, from the committee on Engrossed Bills, reported, as correctly engrossed, bills, entitled

“An act to amend an act, entitled ‘An act to incorporate the city of Alton;’”

“An act to incorporate the Chicago and Danville Railroad;”

“An act authorizing the appointment of commissioners of deeds;”

“An act to amend ‘An act concerning judgments and executions,’ approved January 17, 1825;”

“An act to regulate the mode of proceeding on the redemption of real estate sold under execution;”

“An act for the benefit of Jefferson county;”

“An act for the benefit of the counties therein named;”

“An act to incorporate the Montebello Manufacturing Company;”

“An act to locate a State road from Ellisville to Appanoose;”

“An act to dispose of the territory lying west of the Illinois river, in the county of Putnam, and for other purposes;”

“An act to establish a State road in Alexander county;” and

“An act to amend an act, entitled ‘An act to create the county of Bureau.’”

On motion of Mr. Dubois,

The rules were dispensed with, and the bill from the Senate, entitled "An act to relocate a part of the Vincennes and Chicago State road, via Russelville, and to declare a certain road therein named a State road," was taken up, and

*Ordered* to a third reading.

On his further motion,

The bill was read the third time by its title, and passed.

*Ordered*, That the title thereof be as aforesaid, and that the Clerk inform the Senate of the passage thereof.

Mr. Crain, from the committee on Engrossed Bills, reported, as correctly engrossed, the bill for "An act to define the duties of officers connected with the internal improvement system."

Mr. Hardin, from the committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act dividing the State into judicial circuits," reported the same with sundry amendments; which were read.

Mr. Zimmerman moved that the House adjourn until 7 o'clock, P. M.; not agreed to.

Mr. Craig called for a division of the question, so as to take the vote separately on the first amendment.

The question was put on adopting the first amendment, and decided in the affirmative.

The question was then taken on adopting the second and third amendments, and decided in the negative, by yeas and nays, on the call of Messrs. Baker and Daley, as follow:

Those who voted in the affirmative, are,

Messrs. Baker, Dawson, Dunn, Hardin, Hull, Kercheval, Lincoln, McCutcher, Roman, Smith of Wabash, Thomas of St. Clair, Walker of Fulton, and Williams—13.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Brown, Carpenter, Cloud, Compher, Copland, Craig, Crain, Daley, Edmonston, Edwards, Elkin, Elliott, Ficklin, Fisk, Foster, French, Gilham, Gouge, Green of Clay, Green of Greene, Happy, Harris, Henderson, Henry, Holmes, Houston, Jarrott, Johnson, Kent, Kerr, McWilliams, Maus, Moore, Morgan, Murphy of Cook, Naper, Otwell, Pace, Rawalt, Read, Robinson, Robert Smith, Thornton, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—52.

On motion of Mr. Williams,

The third section, assigning the judge of the first circuit to the eighth circuit, was stricken out.

Mr. Rawalt moved to amend the first section, by striking out "Fulton," in the fifth circuit, and inserting "Henry," in lieu thereof; and by striking out "Henry," in the ninth circuit, and inserting "Fulton" before "Peoria," in that circuit.

Mr. Ficklin moved that the House adjourn until 7 o'clock, P. M.

Mr. Dunn moved that the House adjourn; which was not agreed to.

And then the House adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

House met pursuant to adjournment.

A message from the Council of Revision, by Mr. McLean, their Secretary:

*Mr. Speaker:* The Council of Revision have approved acts of the following titles, viz:

"An act to locate the county seat of Whiteside county, and to provide for the election of county officers;"

"An act to incorporate the Jefferson Institute;"

"An act to regulate interest on Auditor's warrants;"

"An act concerning certain State roads, in the counties of Wabash and Lawrence;" and

"An act declaring Fox river, in White county, a navigable stream."

On motion of Mr. Dawson,

The House resolved itself into a committee of the Whole upon the bill for "An act making appropriations for the years 1839 and 1840;" and, after sometime spent therein, the Speaker resumed the chair, and Mr. Cloud, their chairman, reported that the committee had, according to order, had said bill under consideration, together with the amendments of the committee on Claims thereto, had made sundry other amendments, and directed him to report the same, and to ask the concurrence of the House therein.

On motion of Mr. Daley,

The rules were dispensed with, and the engrossed bill, entitled "An act to create and establish the county of Jersey," was read a third time.

Mr. Naper moved to amend the bill, by striking out the word "Jersey," wherever it occurs, and inserting the word "Benton."

Mr. Ficklin called for a division, so as to take the vote separately on striking out.

The question was taken on striking out "Jersey," and decided in the affirmative.

The question was then taken on inserting the word "Benton," and decided in the negative, by yeas and nays, on the call of Messrs. Dubois, and Lyons.

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Greene, Bainbridge, Brown, Carpenter, Churchill, Cloud, Compher, Copland, Crain, Cunningham, Daley, Ficklin, Fisk, Foster, French, Gouge, Green of Clay, Green of Greene, Happy, Houston, Huey, Hull, Kercheval, Lincoln, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Naper, Pace, Rawalt, Read, Robinson, Roman, Smith of Wabash, Robert Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—46.

Those who voted in the negative, are,

Messrs. Baker, Craig, Dawson, Dubois, Edwards, Elkin, Elliott, Gilham, Hardin, Henderson, Henry, Holmes, Jarrott, Johnson, Kent, Kerr, Lyons, McCutchen, McMillan, Marshall, Murphy of Vermilion, Otwell, Philips, and George Smith—24.

Those in the affirmative being less than two-thirds of the whole number voting, the amendment, under the rule of the House, was lost.

Mr. Henderson moved to insert "Allen."

Mr. Pace moved to reconsider the vote on striking out "Jersey."

The question was put on inserting "Allen," and decided in the negative.

The question was then taken on Mr. Pace's motion, and decided in the affirmative.

Mr. Naper then withdrew his motion.

The question was taken—"Shall the bill pass?"

And decided in the affirmative.

*Ordered*, That the title thereof be as aforesaid, that the Clerk carry the bill to the Senate, and ask their concurrence therein.

On motion of Mr. Lincoln,

*Resolved*, That the use of the hall of the House of Representatives be tendered to the ladies and gentlemen resident at and visiting the town of Vandalia, on the evening of the 22d of February, instant, for the purpose of any public amusement they may choose to indulge in.

And then the House adjourned.

## FRIDAY, FEBRUARY 22, 1839.

House met pursuant to adjournment.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: The Senate have concurred with the House of Representatives in the passage of the bill from the House of Representatives, entitled "An act for the formation of Lake county," as amended by them; in which amendment they ask the concurrence of the House of Representatives. And he withdrew.

The question pending last evening before the House adjourned, being on concurring in the amendments of the committee of the Whole House to the bill, entitled "An act making appropriations for the years 1839 and 1840," coming up for consideration;

Mr. Craig moved to amend the report, by striking out "\$400" (the amount allowed for furnishing a copy of the journal for the press) and inserting "\$600."

Mr. Zimmerman called for a division of question.

The question was then taken on striking out, and decided in the negative.

Mr. Happy moved to fill the two blanks with "\$3," being the compensation allowed to witnesses attending before the committee of Investigation, for their per diem pay and travelling expenses; which was agreed to.

On motion of Mr. Edwards,

The vote last taken was reconsidered.

Mr. Edwards moved to fill the blanks with "\$2."

Mr. Happy called for a division of the question upon filling the blanks.

The question was then taken on filling the first blank with "three dollars," and decided in the negative.

The question was then taken on filling the second blank with "three dollars," and decided in the negative.

The question was then taken separately on filling the blanks with "two dollars," and agreed to.

On motion of Mr. Carpenter,

The following proviso was added to the clause providing for the payment of witnesses, viz:

"*Provided*, That witnesses summoned whilst at the seat of Government shall not be allowed mileage."

Mr. Naper moved the following amendment, viz:

"There shall be allowed to the clerk of the joint select committee of Investigation, the sum of four dollars for each day's service, the time being certified by the chairman of the committee."

Mr. Baker moved to amend the amendment, by striking out "\$4," and inserting "\$3."

Mr. Murphy of Cook called for a division of the question.

The question was then taken on striking out, and decided in the negative.

On motion of Mr. Carpenter,

The following proviso was added to the clause providing for the payment of witnesses, viz:

"*Provided, further*, That no officer of the Government, engineer or agent, shall be allowed any compensation for attending before said committee."

Mr. Williams moved the following amendment; which was not adopted, viz:

"The members of the investigating committee shall have two dollars each, as an extra allowance for each day they served on said committee."

Mr. Allen of Greene moved the following amendment, viz:

"To Edward Jones, for fifteen days' service, after the adjournment of the regular session of the Legislature in 1837, in making up and copying journals, and preparing papers and returning the same to the Secretary of State, \$3 per day—forty-five dollars."

Mr. Smith of Wabash moved that the bill and proposed amendments be committed to a committee of the Whole House; which was not agreed to.

The question was then taken on the amendment proposed by Mr. Allen of Greene, and decided in the negative.

The question was taken on concurring with the committee of the Whole House in their amendments, as amended by the House, and decided in the affirmative.

Mr. Calhoun moved to amend the bill, by adding the following, viz:

"To Alexander Ferguson, for use of room, five weeks, at \$12 per week—\$60; Andrew Johnson, for one table purchased for committee, \$6;" which amendment was adopted.

On the further motion of Mr. Calhoun,

The bill was amended, by adding the following, viz:

"To James McDougald, clerk of the Internal Improvement committee,

three dollars per day for the number of days actually employed, to be certified by the committee."

On motion of Mr. Naper,

The bill was amended, by adding the following, viz:

"To James Craig, chairman of the committee to examine the penitentiary, twenty-six dollars for room rent and fuel, whilst at Alton."

Mr. Kerr moved to strike out "four dollars," (the compensation allowed to each member per day,) and insert "three dollars fifty cents."

Mr. Baker moved to insert "three dollars."

Mr. Daley moved to insert "two dollars fifty cents."

A division of the question being called for, the question was taken, by yeas and nays, on the call of Messrs. Dubois and Murphy of Cook, and decided in the negative, as follow:

Those who voted in the affirmative, are,

Messrs. Allen of Franklin, Archer, Baker, Culhoun, Carpenter, Cunningham, Daley, Dawson, Dubois, Dunn, Edwards, Elliott, Ficklin, French, Kerr, Lincoln, McMillan, Maus, Murphy of Perry, Murphy of Vermilion, Otwell, Robinson, Thomas of McLean, Thomas of St. Clair, Thornton, and Walker of Vermilion—26.

Those who voted in the negative, are,

Messrs. Aldrich, Alexander, Allen of Greene, Bainbridge, Brown, Churchill, Cloud, Compher, Copland, Craig, Crain, Elkin, Emerson, Foster, Gilham, Gouge, Green of Greene, Happy, Hardin, Harris, Henderson, Huey, Holmes, Houston, Hull Jarrott, Johnson, Jones, Kent, Kercheval, McCormick, McCutchen, McWilliams, Marshall, Moore, Morgan, Murphy of Cook, Naper, Pace, Philips, Rawalt, Read, Roberts, Roman, Smith of Wabash, George Smith, Robert Smith, Stapp, Walker of Fulton, Wood, Zimmermann, and Mr. Speaker—52.

Mr. Marshall moved to amend the bill, by striking out "six dollars," as the allowance per day to the presiding officers of the two Houses respectively, and inserting "eight dollars," in lieu thereof; which was not agreed to.

Mr. Happy moved to strike out "six dollars," from the said allowance, and insert "seven dollars" in lieu thereof.

Mr. Carpenter called for a division of the question, so as to take the vote on striking out separately.

The question was taken on striking out, by yeas and nays, on the call of Messrs. Murphy of Vermilion and Houston, and decided in the affirmative, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Greene, Archer, Baker, Bainbridge, Brown, Calhoun, Churchill, Cloud, Compher, Copland, Craig, Crain, Daley, Dawson, Dunn, Ficklin, Gilham, Gouge, Happy, Hardin, Henry, Houston, Jarrott, Johnson, Kent, Kercheval, Lincoln, McWilliams, Marshall, Murphy of Cook, Naper, Philips, Read, Roberts, Robinson, Roman, Smith of Wabash, Robert Smith, Stapp, Thornton, Walker of Fulton, Walker of Vermilion, and Wood—45.

Those who voted in the negative, are,

Messrs. Allen of Franklin, Carpenter, Cunningham, Dubois, Edwards, Elkin, Elliott, Emerson, Fisk, French, Green of Greene, Harris, Henderson, Holmes, Hull, Jones, Kerr, McCormick, McCutchen, McMillan,



Maus, Moore, Morgan, Murphy of Perry, Murphy of Vermilion, Otwell, Pace, Rawalt, George Smith, Thomas of McLean, Thomas of St. Clair, Zimmerman, and Mr. Speaker—33.

The question was then taken on inserting "seven dollars," by yeas and nays, on the call of Messrs. George Smith and Read, and decided in the affirmative, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Greene, Archer, Baker, Bainbridge Brown, Calhoun, Churchill, Cloud, Compher, Copland, Craig, Crain, Daley, Dawson, Dunn, Foster, Gilham, Gouge, Green of Clay, Happy, Hardin, Henry, Houston, Jarrott, Johnson, Kent, Kercheval, Lincoln, McWilliams, Marshall, Murphy of Cook, Naper, Philips, Read, Roberts, Robinson, Roman, Smith of Wabash, Robert Smith, Stapp, Thornton, Walker of Fulton, Walker of Vermilion, Williams, and Wood—47.

Those who voted in the negative, are,

Messrs. Allen of Franklin, Carpenter, Cunningham, Dubois, Edwards, Elkin, Elliott, Emmerson, Fisk, French, Green of Greene, Harris, Henderson, Holmes, Hull, Jones, Kerr, McCormick, McCutchen, McMillan, Maus, Moore, Morgan, Murphy of Perry, Murphy of Vermilion, Otwell, Pace, Rawalt, George Smith, Thomas of McLean, Thomas of St. Clair, Zimmerman, and Mr. Speaker—33.

Mr. Elkin moved the previous question; which was sustained.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Flood, from the committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles, viz:

"An act to relocate a part of the State road from Calhoun county to Schuyler county;"

"An act making further provision for the sale of canal lands;"

"An act to provide for the appointment of notaries public;"

"An act making an appropriation for a library for the Legislature and Supreme Court;"

"An act to provide for selling water-lots and privileges on the Illinois and Michigan canal;"

"An act to incorporate the German Library Society of St. Clair county;"

"An act to change a part of the State road from Peoria to Knoxville, in Knox county, and for other purposes;"

"An act to authorize the trustees of schools in township 7 north, range 7 east, to revalue the sixteenth section;"

"An act to amend an act, entitled 'An act to protect the canal lands against trespassers,' approved 4th March, 1837;"

"An act to organize the county of Carroll;"

"An act to review and relocate a part of the State road leading from Springfield to Decatur;"

"An act concerning the road from Warsaw to Quincy;"

"An act to authorize Amzi Doolittle to keep a ferry across the Mississippi river;"

"An act supplementary to 'An act to incorporate the Alton Marine and Fire Insurance Company;"

"An act to locate a State road from Mount Sterling, in Brown county, to Macomb, in McDonough county;"

"An act to change part of a State road therein named;"

"An act to incorporate the Elgin Academy;" and

"An act to change the name of the town of Leesburgh;" also

As correctly re-enrolled the bill, entitled "An act to vacate the plat of the town of Savannah, in Iroquois county," heretofore laid before the Council of Revision and by them returned with objections.

Mr. Roman, from the committee on Engrossed Bills, reported, as correctly engrossed, bills of the following titles, viz:

"An act to authorize St. Clair county to establish a ferry across the Mississippi river;"

"An act to amend 'An act concerning special bail;'"

"An act to change the times of holding courts in the third judicial circuit in this State;"

"An act to authorize the administrator of William C. Ralls, deceased, to convey certain real estate;"

"An act authorizing the sale of certain school lands in Vermilion county;"

"An act to change the name of the town of Charleston, in Peoria county;"

"An act to locate a State road from Nashville to Belleville;"

"An act to incorporate the Bainbridge Academy in Franklin county;"

"An act making an appropriation for the improvement of the navigation of the Embarrass river;"

"An act to incorporate the Winslow Bridge Company;"

"An act to vacate certain alleys in the town of Winnebago;" and

"An act for the relief of Enoch Enloe."

A message from the Senate, by Mr. Browning, a Senator:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that they have passed a bill for "An act to incorporate the Quincy House Company;" in the passage of which they ask the concurrence of the House of Representatives.

And he withdrew.

Mr. Hardin moved to take up the resolution offered by him, and some days since laid upon the table, relative to taking a vote of the People of this State upon the subject of calling a convention.

Mr. Murphy of Cook moved that the House adjourn until 2 o'clock, P. M.; not agreed to.

The resolution relative to calling a convention was then taken up, and the question taken thereon, by yeas and nays, upon the call of Messrs. Alexander and Murphy of Cook, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Greene, Brown, Calhoun, Churchill, Cloud, Compher, Craig, Daley, Dawson, Dubois, Edmonston, Edwards, Elkin, Elliott, Ficklin, Fisk, Flood, French, Gilham, Green of Clay, Green of Greene, Happy, Hardin, Henderson, Henry, Holmes, Houston, Hull, Jones, Kent, Kerr, Lyons, McCormick, McCutchen, McMillan, McWilliams, Maus, Moore, Murphy of Vermilion, Naper, Otwell, Philips, Rawalt, Read, Roberts, Robinson, Smith of Wabash, George Smith, Robert Smith, Stapp, Thomas of McLean, Walker of Fulton, Williams, and Mr. Speaker—56.

Those who voted in the negative, are,  
Messrs. Allen of Franklin, Archer, Baker, Bainbridge, Carpenter, Crain, Cunningham, Emmerson, Foster, Gouge, Harris, Jarrott, Johnson, Kercheval, Lincoln, Marshall, Morgan, Murphy of Cook, Murphy of Perry, Pace, Roman, Thomas of St. Clair, Thornton, Walker of Vermilion, Wood, and Zimmerman—26.

The Chair decided that the resolution should be sent to the Senate.

On motion of Mr. Crain,

The rules of the House were dispensed with, and leave given him to introduce the report of a select committee.

Mr. Crain, from the select committee to which was referred the bill for "An act to amend an act, entitled 'An act concerning estrays,'" reported the same with an amendment.

And then the House adjourned until 2 o'clock, P. M.

#### TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Fisk,

The rules were dispensed with, and the engrossed bill, entitled "An act to define the duties of officers connected with the internal improvement system," was read a third time, and passed.

Ordered, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

The question pending when the House adjourned yesterday afternoon, being on Mr. Rawalt's motion to amend the bill from the Senate for "An act dividing the State into judicial circuits," again coming up for consideration,

Mr. Rawalt withdrew his motion.

Mr. Baker moved to lay the bill on the table until the 4th day of July next.

The question was taken thereon, by yeas and nays, upon the call of Messrs. Baker and Read, and decided in the negative, as follow:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Baker, Carpenter, Dubois, Dunn, Emmerson, Ficklin, Gouge, Holmes, Houston, Johnson, Murphy of Perry, Murphy of Vermilion, Naper, Read, Roman, Smith of Wabash, and Walker of Fulton—19.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Greene, Archer, Bainbridge, Brown, Calhoun, Churchill, Cloud, Compher, Copland, Craig, Daley, Dawson, Edmonston, Edwards, Elkin, Fisk, Flood, Foster, French, Gilham, Green of Clay, Green of Greene, Happy, Hardin, Harris, Henderson, Henry, Hull, Jarrott, Jones, Kent, Kercheval, Kerr, Lincoln, Logan, McCormick, McCutchen, McWilliams, Marshall, Moore, Morgan, Murphy of Cook, Otwell, Pace, Philips, Rawalt, Roberts, Robinson, George Smith, Robert Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Vermilion, Wood, Zimmerman and Mr. Speaker—59.

Mr. Hardin moved to amend the bill in the 4th section thereof, by inserting, in the fourth line, after the word "circuit," the words, "and one circuit judge for the eighth circuit;" which was agreed to.

On motion of Mr. Edwards,

The bill, as amended, was then read a third time, and passed.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk inform the Senate of the passage thereof as amended, and ask their concurrence in the amendments of the House.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have passed bills of the following titles:

"An act to alter a certain road in Fayette county;"

"An act authorizing a survey therein named;" and

"An act defining and regulating proceedings in the action of ejectment."

In the passage of which they ask the concurrence of the House of Representatives.

And he withdrew.

On motion of Mr. Fisk,

The rules were dispensed with, so as to receive the report of a standing committee.

Mr. Fisk, from the committee on the Judiciary, to which was referred a bill for "An act to authorize the Governor to appoint bank directors," reported the same with sundry amendments; which were read.

On motion of Mr. Ficklin,

The second amendment was amended, so as to read, "until the end of the next regular session of the General Assembly."

The amendments, as amended, were then adopted, and the bill

*Ordered* to be engrossed for a third reading.

On motion of Mr. Craig,

The committee of the Whole were discharged from the further consideration of the bill for "An act to relocate and build the penitentiary."

On motion of Mr. Robert Smith,

The 1st section of the bill was amended; by inserting, after the word "premises," in the last line but one, the following:

"Unless, in his opinion, the value of the ground has not been bid; in which case, he shall have the ground laid off into lots and streets, in such manner as will insure the highest and best price to the State, and proceed to sell the same at auction, at such time as he in his judgment may think will best advance the interest of the State."

On his further motion,

The blank in the 1st section was filled with the words "New Era," and the words "Alton Spectator" were stricken out, and "Alton Commercial Gazette" inserted in lieu thereof.

Mr. Robert Smith moved to fill the blank in the second section with the word "eight," so as to read "eight per cent."

Mr. Smith of Wabash moved "six."

Mr. Stapp moved "twelve;" which was not agreed to.

The blank was then filled with the word "eight."

Mr. Naper moved to postpone the bill indefinitely.

The question was taken thereon by yeas and nays, on the call of Messrs. George Smith and Elkin, and decided in the negative, as follow:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Baker, Calhoun, Carpenter, Compher, Copland, Crain, Cunningham, Daley, Dawson, Emmerson, Flood, Happy, Hardin, Henry, Holmes, Houston, Hull, Jarrott, Jones, Murphy of Perry, Naper, Pace, Rawalt, Read, Roman, Stapp, Thomas of St. Clair, Walker of Fulton, and Zimmerman—31.

Those who voted in the negative, are.

Messrs. Aldrich, Allen of Greene, Archer, Bainbridge, Craig, Edwards, Elkin, Ficklin, Fisk, Foster, French, Gilham, Gouge, Green of Clay, Green of Greene, Harris, Henderson, Kent, Kerr, McMillan, McWilliams, Moore, Morgan, Murphy of Cook, Otwell, Philips, Roberts, Robinson, Smith of Wabash, George Smith, Robert Smith, Thomas of McLean, Thornton, Walker of Vermilion, Williams, and Mr. Speaker—36.

On motion of Mr. Robert Smith,

The bill was referred to the committee on the Penitentiary.

Mr. Gouge, from the committee on Enrolled Bills, reported that the bills, reported this morning as correctly enrolled, were this day laid before the Council of Revision.

The bill for "An act to provide for the compensation of witnesses in civil cases," was read a second time, and

*Ordered* to be engrossed for a third reading.

The engrossed bills, entitled

"An act to incorporate the Commerce Hotel Company;"

"An act to create the county of Lee from the county of Ogle;"

"An act to authorize Nathaniel G. Wilcox and his associates to establish a ferry across the Mississippi river, at the most convenient point opposite the town of Bloomington;" and

"An act to incorporate the Hamilton Seminary;"

Were severally read a third time, and passed.

*Ordered*, That the titles of said bills be as aforesaid, that the Clerk inform the Senate thereof, and ask their concurrence therein.

The bills from the Senate, entitled

"An act to legalize the survey of certain State Roads;"

"An act to extend the corporate powers of the president and trustees of the town of Belleville;"

"An act to locate a certain road therein named;"

"An act respecting section 16, in township 2 south, in range 14 west, in Edwards county;"

"An act to change part of the Philips' ferry road, in Morgan county;"

"An act to amend 'An act incorporating the New Canton and Piketon Railroad Company,'" and

"An act to incorporate the town of Kankakee;"

Were severally read a third time, and passed."

*Ordered*, That the titles of the bills be as aforesaid, and that the Clerk inform the Senate thereof.

The bills from the Senate, entitled "An act for the relief of Calhoun county;" and "An act to locate a State road therein named," were severally read a third time and passed, as amended.

*Ordered*, That the titles of the bills be as aforesaid, that the Clerk inform the Senate of the passage thereof as amended, and ask their concurrence in the amendments of the House of Representatives.

The bills from the Senate, entitled "An act to locate a State road therein mentioned," and "An act relating to towns therein named," were severally read the third time, and passed.

*Ordered*, That the titles of the bills be as aforesaid, and that the Clerk inform the Senate thereof.

The engrossed bills, entitled

"An act to relocate a part of the State road from Mount Vernon to Nashville;"

"An act to establish the county of Williamson;"

"An act to authorize a relocation of a State road therein named;"

"An act to amend 'An act to incorporate the Quincy, Griggsville, Jacksonville, and Springfield Turnpike Company;'"

"An act to vacate the town plat of East Lockport;" and

"An act for the benefit of the town of Greenville;"

Were severally read the third time, and passed.

*Ordered*, That the titles of the bills be as aforesaid, that the Clerk carry said bills to the Senate, and ask their concurrence therein.

Mr. Rawalt moved that the rule of the House be dispensed with, to enable him, from the committee on Finance, to make a report; which was not agreed to.

The engrossed bill, entitled "An act to amend the several acts concerning justices of the peace and constables," was read the third time.

Mr. Rawalt moved to strike out the 4th section of the bill.

Mr. Calhoun moved to lay the bill and proposed amendment on the table until the 4th day of July next; when,

On motion of Mr. Williams,

The bill and proposed amendment were laid on the table.

On motion of Mr. Smith of Wabash,

The rule of the House was dispensed with, and he proposed for adoption the following resolution, viz:

*Resolved by the House of Representatives, the Senate concurring herein*, That the Governor be, and he is hereby, authorized and requested to procure full life painted portraits (to be painted by an American artist,) of the following named benefactors of mankind, suitably framed, and to cause the same to be placed in the Hall of the House of Representatives, when completed, viz: George Washington and Marquis De La Fayette.

Which was unanimously adopted.

*Ordered*, That the Clerk carry said resolution to the Senate, and ask their concurrence in the adoption of the same.

And then the House adjourned.

SATURDAY, FEBRUARY 23, 1839.

House met pursuant to adjournment.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed to inform the House of Representatives that the Senate have passed a bill, entitled "An act further to amend the act, entitled 'An act to maintain a general system of internal improvements;'" in the passage of which they ask the concurrence of the House of Representatives. And then he withdrew.

On motion of Mr. Edwards,

The rule of the House was dispensed with, and he had leave to propose for adoption the following resolution, viz:

*Resolved*, That a law to abolish slavery in the District of Columbia would be inexpedient, unwise, and unconstitutional.

Mr. Dubois moved to amend the resolution, by striking out the words, "and unconstitutional," and to insert the word "and," before "unwise;" which was agreed to.

The resolution, as amended, was then unanimously adopted.

Mr. Dunn presented the petition of 50 citizens of Gallatin county, praying for the relief of Joseph L. Reynolds; which was read, and,

On motion of Mr. Dunn,

Referred to the committee on Claims.

Mr. Fisk presented the remonstrance of 118 citizens of Montgomery county, against a certain State road therein named; which, without reading, was, on his motion, referred to the committee on State Roads.

Mr. Roman presented the petition of 63 citizens of St. Clair county, praying the establishment of a ferry opposite St. Louis; which, without reading, was, on his motion, laid on the table.

Mr. Roman presented the presentment of the grand jury of St. Clair county, in relation to the inadequate salary of the circuit judges; which was read, and, on his motion, laid on the table.

Mr. Robert Smith, from the committee on the Penitentiary, to which was referred the bill, entitled "An act to relocate and build the penitentiary," reported the same with sundry amendments; which were read and concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

A message from the Council of Revision was received, by Mr. McLean, announcing the approval of bills of the following titles, viz:

"An act for the relief of trustees of schools in township six north, range eight west, in Madison county;"

"An act to incorporate the Elgin Academy;"

"An act to change the name of the town of Leesburgh;"

"An act concerning the road from Warsaw to Quincy;"

"An act to authorize Amzi Doolittle to keep a ferry across the Mississippi river;"

"An act to locate a State road from Mount Sterling, in Brown county, to Macomb, in McDonough county;"

"An act to review and relocate a part of the State road leading from Springfield to Decatur;"

"An act to change a part of a State road therein named;" and

"An act to organize the county of Carroll." And then he withdrew.

Mr. Cloud, from the committee on Canals and Canal Lands, to which was referred the bill from the Senate, entitled "An act to amend the several laws in relation to the Illinois and Michigan canal," reported the same without amendment.

The bill was then

*Ordered* to a third reading.

On motion of Mr. Naper,

The rule of the House was dispensed with, and the bill read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Ficklin, from the committee on Education, to which was referred the bill for "An act to incorporate the Franklin Institute," reported the same without amendment.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Rawalt, from the committee on Finance, to which was referred a bill for "An act to increase the capital stock of the Bank of Illinois, and to provide means to pay the interest on a loan or loans authorized by an act, entitled 'An act to establish and maintain a general system of internal improvements,'" with instructions, reported the same with sundry amendments; which were read.

Mr. Dubois moved to amend the report, by striking out the 10th section, which restricts the bank from issuing notes of a less denomination than five dollars.

The question was then taken on the motion of Mr. Dubois, and decided in the affirmative, by yeas and nays, as follow, upon the call of Messrs. Gouge and Dunn, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Archer, Baker, Bainbridge, Carpenter, Craig, Dawson, Dubois, Dunn, Edwards, Edmonston, Emmerson, Ficklin, Gilham, Green of Clay, Henderson, Henry, Holmes, Hull, Jarrott, Jones, Kent, Kerr, Lincoln, Marshall, Maus, Murphy of Vermilion, Naper, Otwell, Pace, Philips, Read, Roberts, Smith of Wabash, George Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Thornton, and Wood—40.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Brown, Churchill, Cloud, Compher, Copland, Crain, Cunningham, Daley, Elkin, Elliott, Fisk, Foster, Gouge, Green of Greene, Happy, Hardin, Houston, Kercheval, McMillan, McWilliams, Moore, Morgan, Murphy of Cock, Murphy of Perry, Rawalt, Robinson, Roman, Robert Smith, Walker of Fulton, Walker of Vermilion, Williams, Zimmerman, and Mr. Speaker—36.

Mr. Alexander moved that the bill and report, as amended, be indefinitely postponed; which was not agreed to.

The report of the committee, as amended, was then concurred in.

Mr. Thornton moved to strike out the 9th section of the bill, and insert, in lieu thereof, the following, viz:

"That whenever one-half of the stock, herein authorized to be sold on account of the bank, shall have been disposed of, the said bank shall pay into the treasury of the State the sum of one hundred thousand dollars, as a bonus for the privilege of extending its capital, as provided for in this act." When,

On motion of Mr. Williams,

The bill and proposed amendment were laid on the table.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred the bill for "An act to incorporate the Vandalia



and Alton Turnpike Road Company," reported the same with amendments; which were read and concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

A message from the Senate, by Mr. Servant, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have passed a bill for "An act authorizing the settlement of the accounts of James Turney, late Attorney General."

In the passage of which they ask the concurrence of the House.

Another message from the Senate, by Mr. Servant, a Senator:

*Mr. Speaker:* I am ordered by the Senate to inform the House of Representatives that they have concurred with them in the passage of bills of the following titles, viz:

"An act to incorporate the Wapello Manufacturing Company," as amended by them; in which amendments to said bill they ask the concurrence of the House of Representatives.

They concur with the House of Representatives in their first amendment to the 3d section of the Senate's bill for "An act, entitled an act to amend 'An act prescribing the mode of summoning grand and petit jurors, and defining their qualifications and duties,'" which strikes out the word "for," and inserts the word "in;" but they refuse to concur in all the other amendments of the House of Representatives thereto.

Mr. Maus, from the committee on Engrossed Bills, reported, as correctly engrossed, bills of the following titles, viz:

"An act to incorporate the Aux Plaines Steam-mill company;"

"An act altering, in part, Archer's addition to Lockport;"

"An act to incorporate the Warren County Male and Female Seminary;"

"An act authorizing sale of property in Hudsonville, and appropriating the avail thereof;"

"An act to locate and establish a State road in the counties of Kane and De Kalb;"

"An act declaring a certain county road, in McLean county, a State road;"

"An act for the relief of Andrew Cochran and others;"

"An act to amend an act, entitled 'An act relating to the office of recorder;" and

"An act to amend 'An act in relation to religious societies.'"

Mr. Smith, from the committee on Internal Improvements, to which was referred the bill for "An act to construct a turnpike road from Charleston to Darwin," reported the same without amendment.

On the question—"Shall the bill be engrossed for a third reading?"

It was decided in the negative.

On motion of Mr. Moore,

The vote, last taken, was reconsidered; and,

On the further motion of Mr. Moore,

Referred to the committee on State Roads.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which were referred the petition of sundry citizens of Coles county, praying an appropriation to construct a bridge across Kaskaskia river; also the petition of sundry citizens of Rock Island, Mercer, and Knox

counties, praying the State to build a bridge across Rock river, in Rock Island county, reported the same, and asked to be discharged from the further consideration of the same; which was granted.

Mr. Moore, from the committee on Counties, to which was referred a bill from the Senate, entitled "An act to authorize the county commissioners of the county of Winnebago to sell certain lots," reported the same with a substitute; which was read, and,

On motion of Mr. Walker of Vermilion,

Referred to a select committee of seven.

*Ordered*, That Messrs. Walker of Vermilion, Kent, Naper, Calhoun, Stapp, McCormick, and George Smith, be that committee.

Mr. Ficklin, from the committee on the Judiciary, to which was referred the bill for "An act to amend the act relative to criminal jurisprudence," reported the same, and recommended its rejection; when,

On motion of Mr. Ficklin,

The bill was referred to a select committee.

*Ordered*, That Messrs. Ficklin, Archer, and French, be that committee.

Mr. Jarrott, from the committee on the Judiciary, to which was referred a certain petition, reported a bill for "An act to incorporate the northern division of the American bottom;" when

On motion of Mr. Read,

The rule of the House was dispensed with, and the bill read the first and second time by its title, and

*Ordered* to be engrossed for a third reading.

Mr. Flood, from the committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles, viz:

"An act to incorporate the Mount Carmel Female Seminary;"

"An act to change part of a State road leading from Equality to Vienna;"

"An act to relocate the seat of justice of the county of Iroquois;"

"An act to vacate the town plat of the town of Auburn;"

"An act to authorize L. D. Hillerman to build a mill-dam across the Little Wabash river, in Clay county;"

"An act to incorporate the Illinois Mutual Fire Insurance Company;"

"An act to extend the powers of the corporation of Shawneetown;"

"An act to locate a State road from Monmouth, in Warren county, to Illinois city, in Rock Island county;"

"An act to establish the Illinois Asylum for the education of the deaf and dumb;"

"An act to extend the corporate powers of the town of Pekin;"

"An act to regulate public carriages and the law of the road;"

"An act to relocate a part of the Vincennes and Chicago State road via Russelville, and to declare a certain road therein named a State road;"

"An act to incorporate the Liberty Steam-mill Company;"

"An act to provide for a loan for canal purposes;" and

"An act to incorporate the La Salle Charity Hospital."

Mr. Pace, from the committee on Manufactures and Agriculture, to which was referred the bill for "An act to incorporate the Vandalia and Mississippi Turnpike Company," reported the same with sundry amendments; which were read.

Mr. Johnson called for a division on the amendments, so as to take the vote separately on the amendments to the first section, proposing to strike out the powers therein conferred to loan money and to issue bills of exchange.

The question was taken on striking out the power "to loan money," and decided in the affirmative.

The question was then taken on striking out the power "to issue bills of exchange," and decided in the affirmative.

The question was then put—"Will the House concur in the remaining amendments of the committee?"

And decided in the negative.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Rawalt, from the committee on Finance, to which was referred the bill for "An act to amend the act, entitled 'An act to regulate the interest of money,'" reported the same without amendment.

Mr. Williams moved to amend the bill, by striking out the word "third," in the third line thereof; when,

On motion of Mr. Dawson,

The bill and amendments were laid on the table.

Mr. Crain, from the committee on Engrossed Bills, reported, as correctly engrossed, the bill for "An act to authorize the Governor to appoint Bank directors."

Mr. Flood, from the committee on Enrolled Bills, reported, as correctly enrolled, the bill, entitled "An act dividing the State into judicial circuits."

On motion of Mr. McMillan,

The bill from the Senate, entitled "An act providing for the improvement of certain roads in Edgar county," some days since laid on the table, was taken up; and,

On his further motion,

The House receded from its amendments to the bill.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Smith of Wabash, offered for adoption the following resolution:

*Resolved by the General Assembly*, That the Board of Commissioners of Public Works be, and they are hereby, authorized and empowered to locate and construct the Peoria and Warsaw railroad via Farmington, in Fulton county, should the said Board deem it expedient for the interests of the State, and for the convenience and accommodation of the community, so to do.

Mr. Ficklin offered the following amendment to the resolution:

"And that the Shelbyville and Terre Haute railroad be located through Richmond and Hitesville, in Coles county, upon the same conditions as above provided."

Mr. Henry moved to amend the amendment, by adding thereto the following:

"And that the Northern Cross railroad be constructed through the public square in Jacksonville."

And pending that question,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Elkin, from the committee on Engrossed Bills, reported, as correctly engrossed, the bill for "An act making appropriations for the years 1839 and 1840;" and, on his motion, the rules were dispensed with, and the said bill was taken up, and read a third time by its title.

The question was put,—“Shall the bill pass?”

And decided in the affirmative, by yeas and nays, on the call of Messrs. Dubois and Read, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Greene, Archer, Bainbridge, Brown, Cloud, Compher, Copland, Craig, Crain, Cunningham, Daley, Dunn, Edwards, Elkin, Emmerson, Ficklin, Gilham, Gouge, Green of Clay, Hardin, Henderson, Henry, Houston, Johnson, Logan, McCutchen, Marshall, Moore, Naper, Rawalt, Read, Roberts, Robinson, Smith of Wabash, R. Smith, Stapp, Thomas of McLean, Thornton, Walker of Fulton, Walker of Vermilion, Williams, and Mr. Speaker—44.

Those who voted in the negative, are,

Messrs. Allen of Franklin, Dubois, Elliott, French, Jarrott, Jones, Kerr, McMillan, Morgan, Murphy of Vermilion, Otwell, Pace, Philips, Roman, G. Smith, Thomas of St. Clair, Wood, and Zimmerman—18.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk carry said bill to the Senate, and ask their concurrence in the passage thereof.

Mr. Hardin presented the petition of many citizens of Cass county, praying the location of the county seat to be left to the votes of the people; which, without reading, was referred, on his motion, to the committee on Counties.

On motion of Mr. Archer,

The rules were dispensed with, and leave given him to report from a standing committee.

Mr. Archer, from the committee on State Roads, to which was referred a bill for "An act for a State road therein named," reported a substitute; which was read and concurred in, and the bill

*Ordered* to be engrossed for a third reading.

On his motion,

The bill was afterwards read a third time by its title, and passed.

On his further motion,

The title thereof was amended, so as to read, "An act to establish the Marshall Female Seminary."

*Ordered*, That the title of the bill be as amended, and that the Clerk inform the Senate of the passage thereof, and ask their concurrence therein.

A message from the Senate, by Mr. Thomas, a Senator:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have passed a bill of the following title, viz:

"An act for the relief of purchasers of canal lots and lands, and for other purposes;" in the passage of which they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in their amendments to the bill from the Senate for "An act dividing the State into judicial circuits."

They have refused to order to a third reading the bill from the House Representatives, entitled "An act providing for the temporary appointment of an attorney to prosecute in the second judicial circuit." And then he withdrew.

On motion of Mr. Hardin,

The 38th rule was amended, so that the "orders of the day" shall have precedence of "messages and communications" in the consideration of business.

On motion of Mr. Smith of Wabash,

The rules were dispensed with, and the bill from the Senate for "An act further to amend the act, entitled 'An act to maintain a general system of internal improvements,'" was taken up, and twice read.

Mr. Craig moved to amend the bill, by adding the following as an additional section:

"SEC. That \$78,548 49 be, and the same is hereby, appropriated for the improvement of the navigation of Rock river, in addition to the \$100,000 heretofore appropriated for that object; and that the Fund Commissioners are hereby required to furnish funds necessary for said additional appropriation."

Mr. Murphy of Vermilion moved to amend the amendment, by adding thereto the following:

"And the sum of twenty thousand dollars is hereby appropriated to the improvement of the Vincennes and Chicago State road, to be expended and applied to the said object under the superintendence of the Commissioners of Public Works of the fourth and seventh judicial circuits;" when,

On motion of Mr Naper,

The bill and amendments were referred to the committee on Internal Improvements.

A message from the Senate, by Mr. Thomas, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have concurred with the House in the adoption of the resolution fixing for a meeting of the two Houses, at 7 o'clock this evening, for the purpose of electing State's Attorneys for the third, fourth, fifth, sixth, and seventh judicial circuits in this State, as amended by them.

They amend, by providing for the election of State's Attorneys in the first, eighth, and ninth circuits; and also, by providing for the election of Circuit Judges in the eighth and ninth circuits. And he withdrew.

On motion of Mr. Williams,

The rules were dispensed with, the foregoing message was taken up, and the amendments of the Senate to the resolution from the House of Representatives providing for the election of State's Attorneys, &c., were concurred in.

*Ordered,* That the Clerk inform the Senate thereof.

On motion of Mr. Dawson,

The rules were dispensed with, and the engrossed bill for "An act

to authorize the Governor to appoint Bank directors," was taken up, read a third time, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk carry the same to the Senate, and ask their concurrence in the passage thereof.

The engrossed bills, entitled

"An act for the relief of John Winstanly and Hugh Duffy;"

"An act to incorporate the Montebello Manufacturing Company;"

"An act supplemental to an act, entitled 'An act to extend the corporate powers of the town of Peoria,' approved February 21, 1837;"

"An act to revive an act, entitled 'An act to incorporate the stockholders of the Randolph Manufacturing Company,' approved January 16, 1836;" and

"An act to provide for the location of the county seat of Cass county;"

Were severally read a third time, and passed

*Ordered*, That the titles thereof be as aforesaid, that the Clerk carry the same to the Senate and ask their concurrence therein.

A message from the Governor, by Mr. Field, Secretary of State:

*Mr. Speaker*: I am directed by the Governor to lay before the House of Representatives a written communication. And he withdrew.

A message from the Senate, by Mr. Thomas, a Senator:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have passed a bill of the following title: "An act supplemental to an act incorporating the Beardstown and Sangamon Canal Company;" in the passage of which they ask the concurrence of the House of Representatives. And he withdrew.

The bills from the Senate, entitled "An act supplemental to the several acts relative to the Wabash Navigation Company;" and

"An act to define the manner of proceeding in petitioning the General Assembly for locating or altering State roads," were severally read a third time, as amended, and passed.

*Ordered*, That the titles of said bills be as aforesaid, that the Clerk inform the Senate thereof, and ask their concurrence in the amendments of the House of Representatives to said bills.

The engrossed bill, entitled "An act for the relief of the clerk of the circuit court of Sangamon county," was read a third time, and passed.

On motion of Mr. Lincoln,

The title thereof was amended, so as to read, "An act for the relief of the clerks of the circuit courts of Sangamon, Clinton, Fayette, and Franklin counties."

*Ordered*, That the title be as amended, that the Clerk carry the bill to the Senate, and ask their concurrence in the passage thereof.

The engrossed bills, entitled

"An act to repeal an act, entitled 'An act to incorporate the town of Upper Alton;'"

"An act to provide for the relocation of a State road therein named;"

"An act to establish a State road from Joseph Huey's, in Clinton county, to the northeast corner of Fayette county;"

"An act to establish a State road from Jameson's ferry, in Pope county, to Cape Girardeau;"

"An act to authorize George W. Brinckerhoof and others to establish a ferry across Rock river;"

"An act for the relief of John McMennaway, late sheriff of Macon county;"

Were severally read a third time, and passed.

*Ordered*, That the titles of said bill be as aforesaid, that the Clerk carry the same to the Senate, and ask their concurrence therein.

Mr. Flood, from the committee on Enrolled Bills, reported that the bills, reported this morning as correctly enrolled, have been this day laid before the Council of Revision.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: The Senate have passed bills of the following titles, viz:

"An act to provide for an increase of facilities in procuring laborers on the public works;"

"An act to amend an act concerning marriages;"

"An act for a State road from Shelbyville, in Shelby county, to Hillsboro, in Montgomery county;"

"An act to provide for the distribution of certain funds heretofore appropriated to certain counties for purposes of internal improvement;"

"An act relating to the duties of county commissioners;"

"An act for the relief of William Hick and Timothy Guard;"

"An act describing the mode of expending a part of the money arising from the sale of saline land, which was appropriated to Marion county;" and

"An act concerning the town of Vandalia."

In the passage of which several bills they ask the concurrence of the House of Representatives. And he withdrew.

The bills from the Senate, entitled

"An act to authorize the sale of school lands in Edwards county;"

"An act to establish a State road from Rushville, in Schuyler county, to Pittsfield, in Pike county;"

"An act to lay out a State road from Shelbyville, in Shelby county, to Decatur, in Macon county;"

"An act to amend 'An act to extend the corporate powers of the town of Peoria,' approved February 21, 1837;" and

"An act to relocate part of a certain State road therein named;"

Were severally read a third time, and passed.

*Ordered*, That the titles of said bills be as aforesaid, and that the Clerk inform the Senate of the passage thereof.

The bill from the Senate, entitled "An act authorizing the county commissioners' courts to establish and change State roads," was read a third time, and,

On motion of Mr. Walker of Vermilion,

Laid on the table.

The bill from the Senate for "An act to amend an act, entitled 'An act to amend the several acts in relation to common schools,'" was read a third time, as amended.

Mr. Thornton moved to lay it on the table; which was not agreed to; when,

On motion of Mr. Smith of Wabash,

It was recommitted to the committee on Education, with instructions

"to strike out the amendments of the House, and insert, in lieu thereof, a provision authorizing the Fund Commissioners to refund to the commissioners of the school fund, for common school purposes, that portion of the surplus revenue of the General Government heretofore subscribed by said Fund Commissioners in stock of the Bank of Illinois, and State Bank of Illinois, being \$335,600."

The engrossed bill, entitled "An act to dispose of the territory lying west of the Illinois river, in the county of Putnam, and for other purposes," was read a third time.

On motion of Mr. Edwards,

The second section was stricken out, and the following inserted in lieu thereof.

"SEC. 2. That the townships twelve and thirteen north, of ranges, five, six, and seven east, and township fourteen north, of ranges six and seven east, of the fourth principal meridian, shall constitute a new county, to be called "Stark."

On motion of Mr. Henderson.

The seventh and thirteenth sections of the bill were stricken out.

The bill as amended was then passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk carry the same to the Senate, and ask their concurrence in the passage thereof.

On motion of Mr. Thomas of McLean,

The rules were dispensed with, and the bill from the Senate, entitled "An act for the formation of De Wit county," was taken up and twice read.

Mr. Thomas of McLean moved to refer it to a select committee of nine.

Mr. Allen of Greene moved to refer it to the committee on Counties; which was not agreed to.

The bill was then referred to a select committee of nine.

*Ordered*, That Messrs. Thomas of McLean, Gouge, Moore, Walker of Vermilion, Lyons, Dawson, Crain, Philips, and Archer, be that committee.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that the Senate have concurred with them in the passage of bills of the following titles:

"An act to incorporate the Genesec Manual Labor High School;"

"An act making the office of school commissioner elective by the people," and

"An act to authorize the Governor to appoint bank directors;" as amended by them; in which amendments to said several bills they ask the concurrence of the House of Representatives.

They have concurred with them in the passage of a bill for "An act to add range one to the counties of Marshall and Putnam," as amended by them; in which amendments they ask the concurrence of the House of Representatives.

They amend the title of said bill, so as to make it read, "An act to authorize Daniel F. Hitt to build a mill-dam;" in which amendment they ask the concurrence of the House of Representatives.

And he withdrew.

And then the House adjourned until 7 o'clock, P. M.



SEVEN O'CLOCK, P. M.

House met pursuant to adjournment.

A message from the Council of Revision, by Mr. McLean, their Secretary:

*Mr. Speaker:* The Council of Revision have approved bills of the following titles, viz:

"An act to extend the corporate powers of the town of Pekin;"

"An act to incorporate the Illinois Mutual Fire Insurance Company;"

"An act to relocate the seat of justice in the county of Iroquois;"

"An act to authorize L. D. Hillerman to build a mill-dam across the Little Wabash river, in Clay county;"

"An act to vacate the town plat of the town of Auburn;"

"An act to incorporate the Mount Carmel Female Seminary;"

"An act to regulate public carriages and the law of the road;" and

"An act to change part of the State road leading from Equality to Vienna."

And then he withdrew.

On motion of Mr. Archer,

The House resolved itself into a committee of the Whole House on the bill, entitled "An act to locate and establish, and alter, change, and relocate, State roads;" and, after some time spent therein, the Speaker resumed the chair, and Mr. Cloud, their chairman, reported that the committee of the Whole House had, according to order, had said bill under consideration, made sundry amendments thereto; in which amendments he was directed to ask the concurrence of the House.

The amendments of the committee were then concurred in, and the bill

*Ordered* to be engrossed for a third reading.

On motion of Robert Smith,

The rule of the House was dispensed with, and the bill, entitled "An act to amend an act, entitled 'An act to incorporate the city of Alton,'" was read the third time by its title, and passed.

*Ordered,* That the title of the bill be as aforesaid, that the Clerk carry said bill to the Senate, and ask their concurrence therein.

Mr. Crain, from the committee on Engrossed Bills, reported, as correctly engrossed, a bill for "An act to incorporate the northern division of the American bottom;"

On motion of Mr. Hardin,

The Clerk was directed to inform the Senate that the House were then ready to receive them in the Hall of the House, and proceed to the election of State's Attorneys, &c.; which being done, the Senate preceded by their Speaker, appeared in the Hall of the House for the purpose aforesaid; and thereupon,

The two Houses proceeded to the election of State's Attorney of the third judicial circuit; and upon the vote being taken,

William F. Stickney received 60 votes; Albert G. Caldwell received 56 votes; Scattering 2 votes.

Those who voted for Mr. Stickney, are,  
Messrs. Allen, Borough, Butler, Fithian, Gatewood, Hacker, Hackelton, Johnston, Mills, Mitchell, Monroe, Nunnally, Parrish, Peck, Richardson, Stadden, Warren, Weatherford, Witt, and Wood, of the Senate; and

Messrs. Allen of Franklin, Allen of Greene, Bainbridge, Brown, Churchill, Cloud, Compher, Crain, Daley, Edmonston, Elliott, Ficklin, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Happy, Harris, Logan, Lyons, McCormick, McMillan, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Perry, Naper, Pace, Robinson, Roman, Smith of Wabash, Robert Smith, Thomas of St. Clair, Walker of Vermilion, Wood, and Zimmerman, of the House of Representatives—60.

Those who voted for Mr. Caldwell, are,

Messrs. Blackwell, Browning, Churchill, Davidson, Gibbs, Greer, Hamlin, Harrison, Little, Moore, Murray, O'Rear, Ross, Servant, Thomas, and Turney, of the Senate; and

Messrs. Aldrich, Alexander, Archer, Baker, Calhoun, Craig, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Emmerson, Gilham, Hardin, Henderson, Henry, Holmes, Houston, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, McCutchen, Marshall, Menard, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, George Smith, Thomas of McLean, Thornton, Walker of Fulton, Williams, and Mr. Speaker, of the House of Representatives—56.

Mr. Kercheval voted for Mr. Marshall, and Mr. Copland voted a blank.

Mr. Stickney, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected State's Attorney for the third judicial circuit of the State of Illinois.

The two Houses then proceeded to the election of State's Attorney of the fourth judicial circuit; and, upon the vote being taken,

John J. Brown received 45 votes; Garland B. Shellady received 45 votes; Reuben Canterbury received 22 votes; Usher F. Linder received 3 votes; Scattering, 2 votes.

Those who voted for John J. Brown, are,

Messrs. Allen, Browning, Butler, Churchill, Fithian, Gibbs, Hacker, Hackelton, Hamlin, Harrison, Johnston, Mills, Mitchell, Moore, Murray, Parrish, Ross, Servant, Stadden, Thomas, Turney, and Wood, of the Senate; and

Messrs. Aldrich, Baker, Calhoun, Daley, Dubois, Edwards, Elkin, Elliott, Emmerson, Hardin, Harris, Henderson, Holmes, Hull, Jarrott, Lyons, Murphy of Cook, Murphy of Vermilion, Naper, Otwell, Rawalt, Walker of Fulton, and Walker of Vermilion, of the House of Representatives—45.

Those who voted for Mr. Shellady, are,

Messrs. Borough, Davidson, Greer, Nunnally, O'Rear, Warren, Weatherford, and Witt, of the Senate; and

Messrs. Allen of Franklin, Allen of Greene, Archer, Brown, Churchill, Cloud, Copland, Dawson Edmonston, Flood, Foster, French, Gilham, Green of Clay, Green of Greene, Happy, Henry, Houston, Jones, Kerr, McCormick, McMillan, McWilliams, Menard, Moore, Morgan, Murphy

of Perry, Pace, Philips, Robinson, Roman, George Smith, Robert Smith, Stapp, Thomas of McLean, Williams, and Mr. Speaker, of the House of Representatives—45.

Those who voted for Mr. Canterbury, are,

Messrs. Blackwell, Gatewood, Little, Monroe, and Peck of the Senate; and

Messrs. Alexander, Bainbridge, Compher, Craig, Cunningham, Dunn, Ficklin, Fisk, Johnson, Kent, Kercheval, Lincoln, McCutchen, Read, Thomas of St. Clair, Thornton, and Zimmerman, of the House of Representatives—22.

Those who voted for Usher F. Linder, are,

Mr. Richardson, of the Senate, and Messrs. Smith of Wabash and Wood, of the House of Representatives—3.

No person having received a majority of all the votes given, another vote was taken, when

Garland B. Shellady received 61 votes; and John J. Brown 59 votes.

Those who voted for Mr. Shellady, are,

Messrs. Blackwell, Borough, Davidson, Greer, Monroe, Nunnally, O'Rear, Parrish, Peck, Warren, Weatherford, and Witt, of the Senate; and

Messrs. Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge Brown, Carpenter, Churchill, Cloud, Compher, Copland, Cunningham, Daley, Dawson, Edmonston, Ficklin, Fisk, Flood, Foster, French, Gilham, Green of Clay, Green of Greene, Happy, Houston, Jones, Kercheval, Kerr, McMillan, McWilliams, Maus, Menard, Moore, Morgan, Murphy of Perry, Pace, Philips, Robinson, Roman, Smith of Wabash, George Smith, Robert Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Thornton, Williams, Zimmerman, and Mr. Speaker, of the House of Representatives—61.

Those who voted for Mr. Brown, are,

Messrs. Allen, Browning, Butler, Churchill, Fithian, Fletcher, Gatewood, Gibbs, Hacker, Hackelton, Hamlin, Harrison, Johnston, Little, Mills, Mitchell, Moore, Murray, Ross, Servant, Stadden, Thomas, Turney, and Wood, of the Senate; and,

Messrs. Aldrich, Baker, Calhoun, Craig, Dubois, Dunn, Edwards, Elkin, Elliott, Emmerson, Gouge, Hardin, Harris, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Kent, Lincoln, Logan, Lyons, McCormick, McCutchen, Marshall, Murphy of Cook, Murphy of Vermilion, Naper, Otwell, Rawalt, Read, Walker of Fulton, Walker of Vermilion, and Wood, of the House of Representatives—59.

Mr. Crain voted a blank.

Mr. Shellady, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected State's Attorney of the fourth judicial circuit of the State of Illinois.

The two Houses then proceeded to the election of State's Attorney of the fifth judicial circuit, and, the vote being taken,

William Elliott, jr. received 52 votes; William Perkins received 50 votes; Calvin A. Warren received 15 votes; Wm. Darling received 3 votes; Scattering, 1.

Those who voted for Mr. Elliott, are,

Messrs. Borough, Gatewood, Gibbs, Hacker, Hackelton, Johnston,

Mitchell, Parrish, Peck, Richardson, Stadden, Warren, Weatherford, Witt, and Wood, of the Senate; and

Messrs. Alexander, Allen of Franklin, Calhoun, Carpenter, Churchill, Cloud, Compher, Crain, Cunningham, Dawson, Elliott, Fisk, Foster, Green of Clay, Green of Greene, Happy, Harris, Houston, Kercheval, Lincoln, McWilliams, Marshall, Maus, Moore, Morgan, Murphy of Cook, Pace, Rawalt, Robinson, Roman, Smith of Wabash, Robert Smith, Thomas of St. Clair, Walker of Fulton, Wood, Zimmerman, and Mr. Speaker, of the House of Representatives—52.

Those who voted for Mr. Perkins, are,

Messrs. Allen, Blackwell, Churchill, Davidson, Fithian, Greer, Hamlin, Harrison, Little, Mills, Moore, Monroe, Murray, O'Rear, Ross, Servant, Thomas, and Turney, of the Senate; and

Messrs. Baker, Copland, Craig, Dunn, Edwards, Elkin, Emmerson, Ficklin, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lyons, McCormick, McCutchen, Menard, Murphy of Perry, Murphy of Vermilion, Otwell, Philips, Read, George Smith, Stapp, Thomas of McLean, and Thornton, of the House of Representatives—50.

Those who voted for Mr. Warren, are,

Messrs. Browning, Fletcher, and Nunnally, of the Senate; and

Messrs. Aldrich, Allen of Greene, Bainbridge, Brown, Daley, Edmonston, Flood, French, Gouge, Logan, Naper, and Walker of Vermilion, of the House of Representatives—15.

Those who voted for Mr. Darling, are,

Messrs. Archer, McMillan, and Williams, of the House of Representatives—3.

Mr. Dubois voted a blank.

No person having yet received a majority of all the votes given, another vote was taken; when Mr. Elliott received 60 votes; and Mr. Perkins received 55 votes; blank 5 votes.

Those who voted for Mr. Elliott, are,

Messrs. Borough, Gatewood, Gibbs, Hacker, Hackelton, Johnson, Mitchell, Nunnally, Parrish, Peck, Richardson, Stadden, Warren, Weatherford, Witt, and Wood, of the Senate; and

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Crain, Cunningham, Daley, Dawson, Edmonston, Fisk, Foster, French, Gouge, Green of Greene, Happy, Harris, Houston, Kercheval, McMillan, McWilliams, Maus, Moore, Morgan, Murphy of Cook, Murphy of Perry, Naper, Pace, Rawalt, Robinson, Roman, Smith of Wabash, Robert Smith, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker, of the House of Representatives—60.

Those who voted for Mr. Perkins, are,

Messrs. Allen, Blackwell, Browning, Churchill, Davidson, Fithian, Fletcher, Greer, Hamlin, Harrison, Little, Mills, Moore, Monroe, Murray, O'Rear, Ross, Servant, Thomas, and Turney, of the Senate; and

Messrs. Archer, Baker, Copland, Craig, Dunn, Edwards, Elkin, Elliott, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Logan, Lyons, McCormick, McCutchen, Marshall, Menard, Murphy of Vermilion, Otwell, Philips, Read, George Smith,

Stapp, Thomas of McLean, Thornton, and Williams, of the House of Representatives—55.

Messrs. Aldrich, Dubois, Emmerson, Flood, and Green of Clay, voted blank.

No person having yet received a majority of all the votes given, another vote was taken; when Mr. Elliott received 61 votes; and Mr. Perkins received 58 votes; Scattering, 1 vote.

Those who voted for Mr. Elliott, are,

Messrs. Borough, Gatewood, Gibbs, Hacker, Hackelton, Johnston, Mitchell, Nunnally, Parrish, Peck, Richardson, Stadden, Warren, Weatherford, Witt, and Wood, of the Senate; and

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Crain, Daley, Dawson, Edmonston, Fisk, Flood, Foster, French, Gouge, Green of Clay, Green of Greene, Happy, Harris, Houston, Kercheval, Logan, McWilliams, Maus, Moore, Morgan, Murphy of Cook, Murphy of Perry, Naper, Pace, Rawalt, Robinson, Roman, Smith of Wabash, Robert Smith, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker, of the House of Representatives—61.

Those who voted for Mr. Perkins, are,

Messrs. Allen, Blackwell, Browning, Churchill, Davidson, Fithian, Greer, Hamlin, Harrison, Little, Mills, Moore, Monroe, Murray, O'Rear, Ross, Servant, Thomas, and Turney, of the Senate; and

Messrs. Archer, Baker, Copland, Craig, Cunningham, Dubois, Dunn, Edwards, Elkin, Elliott, Ficklin, Gilham, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCormick, McCutcher, McMillan, Marshall, Menard, Murphy of Vermilion, Otwell, Philips, Read, George Smith, Stapp, Thomas of McLean, Thornton, and Williams, of the House of Representatives—58.

Mr. Aldrich voted a blank.

Mr. Elliott, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected State's Attorney of the fifth judicial circuit of the State of Illinois.

The two Houses then proceeded to the election of State's Attorney of the sixth judicial circuit. The vote being taken, Shelton L. Hall received 87 votes; Scattering, 34 votes.

Those who voted for Mr. Hall, are,

Messrs. Allen, Blackwell, Borough, Browning, Churchill, Davidson, Fithian, Gatewood, Greer, Hacker, Hackelton, Hamlin, Harrison, Johnston, Mills, Mitchell, Moore, Murray, Nunnally, O'Rear, Parrish, Ross, Servant, Stadden, Thomas, Warren, Weatherford, Witt, and Wood, of the Senate; and

Messrs. Aldrich, Allen of Greene, Archer, Baker, Bainbridge, Brown, Calhoun, Churchill, Cloud, Compher, Copland, Craig, Dawson, Dunn, Edmonston, Edwards, Elkin, Emmerson, Fisk, Flood, Foster, French, Gilham, Gouge, Green of Clay, Green of Greene, Harris, Henderson, Henry, Holmes, Houston, Hull, Jones, Kent, Kercheval, Kerr, Lincoln, Logan, Lyons, McCormick, McCutchen, McMillan, Marshall, Moore, Naper, Philips, Rawalt, Robinson, Smith of Wabash, George Smith,

Robert Smith, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Fulton, Walker of Vermilion, Zimmerman, and Mr. Speaker, of the House of Representatives—87.

Messrs. Fletcher, Daley, Dubois, Ficklin, and Murphy of Cook, voted for Mr. Craig.

Mr. Gibbs voted for Mr. Flood.

Messrs. Little, Monroe, and Turney, voted for Mr. Peck.

Mr. Peck voted for Mr. Little.

Richardson voted for Fletcher.

Messrs. Alexander and Menard voted for Mr. Johnson.

Mr. Allen of Franklin voted for Mr. Turney.

Messrs. Carpenter and McWilliams voted for Mr. Gibbs.

Crain, Pace, and Roman voted for Mr. Hardin.

Mr. Cunningham voted for Mr. Harrison.

Elliott for Happy.

Happy for Elliott.

Hardin for Crain.

Messrs. Jarrott and Murphy of Perry voted for Mr. Ficklin.

Johnson and Read voted for Jarrott.

Mr. Maus voted for Mr. Kercheval.

Morgan voted for Hacker.

Murphy of Vermilion voted for Mr. Zimmerman.

Otwell voted for Mr. Green of Greene.

Stapp voted for Allen of Franklin.

Williams voted for Southwick; and

Wood voted for Pace—34.

Mr. Hall, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected State's Attorney of the sixth judicial circuit of the State of Illinois.

The two Houses then proceeded to the election of a State's Attorney for the seventh judicial circuit; and the vote being taken, Alonzo Huntington received 86 votes; Albert G. Leary received 22 votes; and Scattering, 11 votes.

Those who voted for Mr. Huntington, are,

Messrs. Allen, Blackwell, Borough, Churchill, Davidson, Gatewood, Greer, Mitchell, Moore, Murray, Nunnally, O'Rear, Parrish, Peck, Stadden, Thomas, Turney, Warren, Weatherford, Witt, and Wood, of the Senate; and

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Baker, Bainbridge, Brown, Calhoun, Carpenter, Cloud, Compher, Copland, Craig, Crain, Cunningham, Dawson, Edmonston, Edwards, Elkin, Elliott, Emmerson, Ficklin, Fisk, Flood, Foster, Gilham, Green of Clay, Green of Greene, Happy, Hardin, Harris, Henderson, Henry, Holmes, Houston, Hull, Jones, Kent, Kercheval, Kerr, Lincoln, Logan, McCutchen, McMillan, McWilliams, Maus, Moore, Morgan, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Philips, Read, Robinson, Smith of Wabash, George Smith, Robert Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Thornton, Williams, and Mr. Speaker, of the House of Representatives—86.

Those voting for Mr. Leary, are,  
Messrs. Browning, Fithian, Fletcher, Hacker, Hackelton, Hamlin, Johnston, Mills, Richardson, and Ross, of the Senate; and  
Messrs. Churchill, Daley, Dubois, French, Gouge, Lyons, McCormick, Marshall, Murphy of Cook, Pace, Walker of Fulton, and Wood, of the House of Representatives—22.

Mr. Gibbs voted blank.

Little voted for Richard Roe.

Monroe voted for John Doe.

Dunn voted for Mr. Peck.

Jarrott voted for Fisk.

Johnson voted for Menard.

Menard voted for Johnson.

Rawalt voted for Butterfield.

Roman voted for Hardin.

Walker of Vermilion voted for Mr. Zimmerman.

Zimmerman voted for Mr. Walker of Vermilion—11.

Mr. Huntington, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected State's Attorney for the seventh judicial circuit of the State of Illinois.

The two Houses then proceeded to the election of a State's Attorney for the first judicial circuit; and the vote being taken, David M. Woodson received 63 votes; James McDougall received 29 votes; and John S. Greathouse received 28 votes.

Those voting for Mr. Woodson, are,

Messrs. Allen, Blackwell, Browning, Davidson, Fithian, Gatewood, Greer, Hamlin, Harrison, Little, Mills, Moore, Monroe, Murray, O'Rear, Ross, Servant, Thomas, Turney, Witt, and Wood, of the Senate; and

Messrs. Aldrich, Allen of Greene, Archer, Baker, Compher, Craig, Cunningham, Daley, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Ficklin, Gilham, Green of Greene, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Jones, Kent, Kerr, Lincoln, Logan, McCutchen, Marshall, Murphy of Vermilion, Naper, Otwell, Philips, Rawalt, Read, Roman, George Smith, Thomas of McLean, Thornton, Williams, and Zimmerman, of the House of Representatives—63.

Those who voted for Mr. McDougall, are,

Messrs. Gibbs, Hacker, Johnston, Parrish, Peck, Richardson, Stadden, and Weatherford, of the Senate; and

Messrs. Allen of Franklin, Brown, Calhoun, Churchill, Cloud, Copland, Flood, French, Gouge, Happy, McMillan, McWilliams, Morgan, Murphy of Perry, Pace, Smith of Wabash, Stapp, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, and Mr. Speaker, of the House of Representatives—29.

Those who voted for Mr. Greathouse, are,

Messrs. Borough, Churchill, Fletcher, Hackelton, Mitchell, Nunnally, and Warren, of the Senate; and

Messrs. Alexander, Bainbridge, Carpenter, Crain, Edmonston, Emerson, Fisk, Foster, Green of Clay, Harris, Houston, Johnson, Kercheval, Lyons, McCormick, Maus, Moore, Murphy of Cook, Robinson, Robert Smith, and Wood, of the House of Representatives—28.

Mr. Woodson, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected State's Attorney for the first judicial circuit of the State of Illinois.

The two Houses then proceeded to the election of State's Attorney for the eighth judicial circuit; and, the vote being taken, David B. Campbell received 61 votes, David Davis 58 votes; Scattering, 1 vote.

Those who voted for Mr. Campbell, are,

Messrs. Fletcher, Gibbs, Hackleton, Johnston, Mills, Mitchell, Nunnally, Peck, Richardson, Stadden, Warren, Weatherford, Witt, and Wood, of the Senate; and

Messrs. Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copland, Crain, Daley, Dunn, Edmondston, Fisk, Flood, Foster, French, Gouge, Green of Clay, Happy, Harris, Houston, Kercheval, Logan, McCormick, McWilliams, Maus, Moore, Morgan, Murphy of Cook, Murphy of Perry, Naper, Pace, Read, Robinson, Roman, Smith of Wabash, Robert Smith, Thomas of St. Clair, Walker of Fulton, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker, of the House of Representatives—61.

Those who voted for Mr. Davis, are,

Messrs. Allen, Blackwell, Browning, Churchill, Davidson, Gatewood, Greer, Hacker, Hamlin, Harrison, Little, Moore, Monroe, Murray, O'Rear, Parrish, Ross, Servant, Thomas, and Turney, of the Senate; and

Messrs. Aldrich, Baker, Craig, Cunningham, Dawson, Dubois, Edwards, Elkin, Elliott, Emmerson, Ficklin, Gilham, Green of Clay, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, Lyons, McCutchen, McMillan, Marshall, Menard, Murphy of Vermilion, Otwell, Philips, Rawalt, George Smith, Stapp, Thomas of McLean, Thornton, and Williams, of the House of Representatives—58.

Mr. Borough voted for Mr. Benedick.

Mr. Campbell, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected State's Attorney for the eighth judicial circuit for the State of Illinois.

The two Houses then proceeded to the election of a State's Attorney for the ninth judicial circuit; and, the vote being taken, Norman H. Purple received 82 votes; Scattering, 30 votes.

Those who voted for Mr. Purple, are,

Messrs. Allen, Blackwell, Borough, Browning, Churchill, Davidson, Fitbrian, Gatewood, Gibbs, Greer, Hacker, Hackleton, Hamlin, Harrison, Mills, Mitchell, Moore, Murray, Nunnally, O'Rear, Parrish, Richardson, Stadden, Thomas, Turney, Warren, Weatherford, and Witt, of the Senate; and

Messrs. Aldrich, Alexander, Allen of Greene, Archer, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copland, Crain, Cunningham, Dawson, Edwards, Ficklin, Fisk, Flood, Foster, French, Gilham, Gouge, Green of Clay, Green of Greene, Happy, Harris, Henderson, Henry, Holmes, Houston, Hull, Johnson, Jones, Kent, Kerr, Lincoln, Logan, McMillan, Marshall, Maus, Moore, Murphy of Cook, Murphy of Perry, Naper, Pace, Rawalt, Robinson, Smith of Wabash,



George Smith, Robert Smith, Thomas of St. Clair, Walker of Fulton, and Mr. Speaker, of the House of Representatives—82.

Mr. Fletcher, of the Senate, voted for Mr. Richardson.

Johnston,	"	for	Servant.
Little,	"	for	Hacker.
Peck,	"	for	Ross.
Ross,	"	for	Peck.
Wood,	"	for	Green.

Messrs. Allen of F. and Zimmerman, of the H. R., for Mr. Stapp.

Dubois and Lyons,	"	for	Daley.
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Morgan and Wood,	"	for	Thomas.
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Dunn and Elliott,	"	for	Carpenter.
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Mr. Craig,	"	for	Murphy of Cook
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Daley,	"	for	Compher.
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Edmonston,	"	for	Dubois.
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Emmerson,	"	for	McMillan.
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Hardin,	"	for	Orange.
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Kercheval,	"	for	Bogardus.
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McCormick,	"	for	Stark.
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McCutchen,	"	for	Lord Coke.
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McWilliams,	"	for	Lyons.
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Murphy of Vermilion,	"	for	Zimmerman.
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Read,	"	for	Murphy of Perry
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Roman,	"	for	Hardin.
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Stapp,	"	for	Balance.
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Thomas of McLean,	"	for	Archer.
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Walker of Vermilion,	"	for	Warren.
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Williams,	"	for	Happy—30.
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Mr. Purple, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected State's Attorney for the ninth judicial circuit of the State of Illinois.

Mr. Lincoln moved to postpone the election of Judge of the eighth judicial circuit, until Tuesday next, at 7 P. M.; which was not agreed to.

The two Houses then proceeded to elect, by ballot, a Judge for the eighth judicial circuit.

Mr. Browning, of the Senate, and Mr. Robert Smith, of the House of Representatives, were appointed tellers; and, the vote being taken, Stephen T. Logan received 66 votes, David Prickett 54 votes; blank 1 vote.

Mr. Logan, having received a majority of all the votes given, was declared by the Speaker of the House of Representatives, duly elected Judge of the eighth judicial circuit of the State of Illinois.

The two Houses then proceeded to the election of a Judge for the ninth judicial circuit; and, the vote being taken, Thomas Ford received 92 votes; Scattering, 20 votes.

Mr. Ford, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected Judge of the ninth judicial circuit of the State of Illinois.

On motion of Mr. Edwards,

The election of directors of the State Bank of Illinois and Bank of Illinois, on the part of the State was indefinitely postponed.

The Senate, preceded by their Speaker, then retired from the Hall.

And the House adjourned.

MONDAY, FEBRUARY 25, 1839.

House met pursuant to adjournment.

A message from the Senate, by Mr. Servant, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have passed a bill of the following title: "An act to amend the several laws in relation to practice in courts of law;" in the passage of which they ask the concurrence of the House of Representatives.

And then he withdrew.

The question pending some days since when the House adjourned, being on concurring in the report of the select committee to the bill for "An act to amend an act, entitled 'An act concerning estrays,'" coming up for consideration, the amendments were read.

On motion of Mr. Johnson,

The bill was amended, by adding to the first section the following proviso, viz:

*"Provided,* In all cases where the services hereinafter mentioned shall be performed by the clerk under the act to which this is an amendment, the following fees or compensation shall be allowed, to wit: For registering each certificate transmitted to him by any justice of the peace in cases of stray cattle, sheep, goat, or hog, twelve and a half cents; for advertising same on the court house door, fifty cents."

On motion of Mr. Dubois,

The bill and report were indefinitely postponed.

The question pending last Saturday when the House adjourned, being on the motion to amend the joint resolution reported by the committee on Internal Improvements, in relation to a change in the Peoria and Warsaw railroad, coming up for consideration,

Mr. Ficklin withdrew his proposed amendment, and

Mr. Henry withdrew the amendment proposed by him also.

Mr. Naper moved the previous question; which motion was sustained.

The resolution was then adopted.

*Ordered,* That the Clerk carry said resolution to the Senate, and ask their concurrence in the adoption of the same.

Mr. Fisk, from the committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act supplementary to 'An act prescribing the mode of trying the right of property,'" reported the same without amendment.

The bill was then

*Ordered* to a third reading.

On motion of Mr. Hardin,

The rule of the House was dispensed with, and the bill read a third time by its title, and passed.

*Ordered,* That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. Rawalt, from the committee on Finance, to which was referred a resolution, instructing them to inquire into the expediency of amending

the license laws, reported the same back, and asked to be discharged from the further consideration thereof; which was granted.

Mr. Fisk, from the committee on the Judiciary, to which was referred a bill from the Senate, entitled "An act to amend an act, entitled 'An act declaring what shall be evidence in certain cases,' approved 10th of January, 1827," reported the same without amendment.

The bill was then

*Ordered* to a third reading.

On motion of Mr. Fisk,

The rule of the House was dispensed with, and the bill read the third time, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. Fisk, from the committee on the Judiciary, to which was referred a bill, entitled "An act supplementary to 'An act relative to wills and testaments, executors and administrators, and the settlement of estates,'" reported the same without amendment.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Ficklin, from the committee on the Judiciary, to which was referred the bill for "An act to prescribe the punishment of offences committed by mobs," reported the same without amendment.

The question was put—"Shall the bill be ordered to be engrossed for a third reading?"

And decided in the negative.

Mr. Crain, from the committee on Engrossed Bills, reported, as correctly engrossed, bills of the following titles:

"An act to relocate and build the penitentiary;"

"An act to locate a State road from Bloomington to Lexington, in McLean county;"

"An act to locate a State road in McLean and Tazewell counties;"

"An act to relocate the seat of justice of the county of 'De Kalb;" and

"An act to incorporate the Franklin Institute."

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have passed bills of the following titles, viz:

"An act to incorporate the Jo Daviess Mining and Smelting Company;"

"An act to incorporate the Rock Island Mutual Fire Insurance Company."

In the passage of which several bills they ask the concurrence of the House of Representatives.

They have also adopted the following resolution, viz:

*Resolved by the General Assembly*, That both Houses will meet in the Hall of the House of Representatives, on Tuesday, the 26th inst., at 7 o'clock P. M. for the purpose of electing three Fund Commissioners.

In the adoption of which they ask the concurrence of the House of Representatives.

And then he withdrew.

Mr. Hardin, from the committee on the Judiciary, to which was referred a bill for "An act to regulate the granting of tavern licenses," with the amendments of the committee of the Whole House thereto,

reported the same with a substitute for the amendments of the committee of the Whole House; which was read.

Mr. Pace called for a division of the question on the amendments reported by the committee on the Judiciary.

The question was then taken on each amendment separately, and agreed to.

Mr. Pace moved to strike out the 6th section; which was not agreed to.

On motion of Mr. Hardin,

The bill was amended by striking out "one gallon," and inserting "one quart," wherever it occurred.

Mr. Murphy of Cook moved to strike out \$50 in the 4th section, and insert \$10.

Mr. Edwards called for a division of the question.

The question was then taken on striking out, and decided in the negative.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Roman, from the committee on Education, to which was referred a bill from the Senate, entitled "An act to incorporate the Amity Academy, in Bond county, and the Lebanon Female Academy, in St. Clair county," reported the same with amendments; which were read and concurred in, and the bill

*Ordered* to a third reading as amended.

On motion of Mr. Roman,

The rule of the House was dispensed with, and the bill read a third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the passage thereof as amended, and ask the concurrence of the Senate in the amendments of the House thereto.

Mr. Fisk, from the committee on the Judiciary, to which were referred certain petitions and remonstrances concerning the formation of Cook, Will, and McHenry counties into a new circuit, reported the same back, and asked to be discharged from the further consideration thereof; which was granted.

Mr. Ficklin, from the committee on Education, to which was referred a bill from the Senate, entitled "An act to amend an act, entitled 'An act to amend the several acts in relation to common schools,'" with certain instructions, reported the same with amendments; which were read and concurred in.

The bill was then

*Ordered* to a third reading.

On motion of Mr. Hardin,

The bill was read the third time.

On motion of Mr. Robinson,

The bill was amended, by striking out the words, "this act to be in force from and after its passage," in the first section.

The bill was then passed as amended.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the passage thereof as amended, and ask the concurrence of the Senate in the amendments of the House thereto.

On motion of Mr. Hardin,

The vote taken last Saturday, on ordering to be engrossed for a third reading the bill for "An act to incorporate the Vandalia and Mississippi Turnpike Company," was reconsidered.

On motion of Mr. Johnson,

The bill was amended as follows: Add after the word "thing," in 1st section, 18th line, the words, "to borrow money and to do al. matters and things necessary to carry into effect the objects contemplated in this act, as fully as any natural persons could do." Add at end of the 35th section, the following:

"*Provided, also,* That if said company or corporation should deem it advisable, they shall have the right and privilege of commencing said work at the town of Greenville aforesaid, and constructing the same to St. Louis, in the first instance, and suffer that portion between Vandalia and Greenville to remain to be finished last."

The bill, as amended, was then

*Ordered* to be engrossed for a third reading.

Mr. Walker of Vermilion, from the committee on Salines, to which was referred a bill for "An act to authorize the sale of the saline lands in Bond county," reported the same with amendments; which were read and concurred in.

Mr. Fisk moved an additional section, as an amendment, which was rejected, to wit:

"**SEC. 2.** That two hundred dollars from the proceeds arising from the sale of such land shall be, and the same is hereby, appropriated towards building a bridge across the west fork of Shoal creek, in the county of Montgomery, on the road near where the Carlinville road crosses said creek, to be expended under the direction of the county commissioners of said county."

On motion of Mr. Walker of Vermilion,

The 2d section of the bill was amended, by striking out "six" and "twelve months," and inserting "one" and "two years."

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Allen of Greene, from the select committee to which was referred the bill for "An act authorizing the county commissioners' court to construct certain roads in Greene county," reported the same with sundry amendments; which were read and concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Cloud, from the committee on Canals and Canal Lands, to which was referred a bill "An act for the relief of James Brooks," reported the same with amendments; which were read.

On motion of Mr. Smith of Wabash,

The amendment was amended by adding the following:

"**SEC. 2.** The Commissioner of Public Works for the fourth judicial circuit is hereby authorized and required to pay over to Stewart and Company, late contractors for the delivery of the rock for the works at the Grand rapids of the Wabash river, one half of the amount of the retained percentage, retained on the said contract."

The amendments as amended were concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Craig, from the select committee to which was referred a bill from the Senate, entitled "An act to amend an act, entitled 'An act to locate a State road from the Indiana line, northwest, in a direction to Mineral Point,'" reported the same with amendments; which were read and concurred in.

The bill was then

*Ordered* to a third reading.

On motion of Mr. Craig,

The rule of the House was dispensed with, and the bill read a third time by its title, and passed.

*Ordered*, That the title of the bill be aforesaid, and that the Clerk inform the Senate thereof.

Mr. Craig, from the select committee to which was referred the bill, entitled "An act declaring Little Rock river navigable," reported the same with amendments; which were read and concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. George Smith, from the select committee to which was referred a bill for "An act authorizing the county commissioners' court of Madison county to levy and collect a special tax," reported the same with an amendment; which was read and concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

A message from the Senate, by Mr. Little, a Senator:

*Mr. Speaker*: The Senate have concurred with the House of Representatives in the passage of a bill for "An act concerning the public revenue."

And then he withdrew.

Mr. Harris, from the select committee to which was referred a bill for "An act to amend an act, entitled 'An act to encourage the killing of wolves,' approved February 15, 1837," reported the same with sundry amendments; which were read.

Mr. Elkin moved to amend the amendments of the committee, by striking out all after the word "that," and inserting the following: "the act to which this is an amendment is hereby repealed."

Mr. Murphy of Vermilion moved the previous question; which was not sustained.

The question was put on adopting the amendment offered by Mr. Elkin, and decided in the negative.

Mr. Walker of Vermilion moved the following amendment: "For each mouse, rat, black bird, crow, or other vermin, the sum of one cent;" not agreed to.

Mr. Johnson moved to amend, by adding the following section:

"And the Governor of the State is hereby authorized to offer a reward, not exceeding one hundred dollars, for the apprehension of all horse thieves who may be credibly reported to him to have stolen any horse in this State;" not agreed to.

Mr. Stapp moved to amend, by adding the following:

*"Provided, That no citizen in any county in this State, whose representatives voted against the revenue law, shall receive any premium from the State treasury;"* which was not agreed to.

On motion of Mr. Ficklin,

The amendments of the committee were amended, by adding thereto the following proviso:

*"Provided, That the affidavit, herein provided for, may be made before any justice of the peace, and the premium may be paid out of any money in the hands of the sheriffs of the respective counties belonging to the State."*

On motion of Mr Dawson,

The words "take and," in the first section, were stricken out.

Mr. Aldrich moved the previous question; which was sustained.

The amendments of the committee, as amended, were then concurred in, and the bill, as amended,

*Ordered* to be engrossed for a third reading.

Mr. Cloud, from the select committee to which was referred a bill for "An act to create the county of Virgil," reported the same with amendments; which were read.

Mr. Elkin moved to postpone indefinitely the bill and amendments.

And after discussion had thereon,

On motion of Mr. Walker of Vermilion,

The bill and amendments were postponed to enable him to make a report.

Mr. Walker of Vermilion, from the select committee to which was referred a bill from the Senate, entitled "An act to authorize the county commissioners of the county of Winnebago to sell certain lots," with the substitute reported by the committee on Counties, reported the same with amendments thereto.

The House then adjourned until 2 o'clock, P. M.

#### TWO O'CLOCK, P. M.

The House met pursuant to adjournment.

On motion of Mr. Dawson,

The amendments of the Senate to the bill, entitled "An act to authorize the Governor to appoint Bank directors," were taken up, read, and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, By Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed to inform the House of Representatives that the Senate have concurred with them in their amendments to the Senate bills of the following titles, viz.

"An act to locate a State road therein named;"

"An act for the relief of Calhoun county;"

"An act to define the manner of proceeding in petitioning the General Assembly for locating or altering State roads;"

"An act supplemental to the several acts relative to the Wabash Navigation Company;" and

"An act to establish a State road from Mount Sterling, via La Grange, Arenz's mills, and Princeton, to Springfield."

They recede from their amendments to the bill from the House of Representatives for "An act to grant a compensation to the brigade inspector of the first brigade and third division of Illinois militia;" but

They refuse to recede from their amendments to the bill from the House of Representatives for "An act to amend the acts in relation to constables." And then he withdrew.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* The Senate have concurred with the House of Representatives in the passage of the bills of the following titles, viz:

"An act to amend the several acts concerning administrators and apprentices;" and

"An act to provide for the the probate of wills in certain cases;" as amended by them.

In the adoption of which amendments they ask the concurrence of the House of Representatives. And then he withdrew.

A message from the Senate, by Mr. Owen, their Assistant Secretary:

*Mr. Speaker:* I am directed to inform the House of Representatives that the Senate have concurred with them in the adoption of "a joint resolution in relation to the grant of land by Congress in aid of the internal improvement system of Illinois." And then he withdrew.

The question pending when the House adjourned some days since, being on ordering to a second reading the bill for "An act to classify the railroads of this State," coming up for consideration,

Mr Zimmerman moved the indefinite postponement of the bill.

Mr. Edwards moved to lay it on the table.

The question was taken thereon, by yeas and nays, on the call of Messrs. Williams and Cloud, and decided in the negative, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Brown, Churchill, Crain, Dawson, Edmonston, Edwards, Ficklin, Fisk, Flood, French, Gouge, Green of Clay, Hull, Lincoln, Lyons, McCormick, McCutchen, McMillan, Maus, Moore, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Rawalt, Smith of Wabash, Robert Smith, Thomas of McLean, Thornton, Walker of Vermilion, Wood, and Zimmerman—33.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Archer, Baker, Bainbridge, Calhoun, Carpenter, Cloud, Compher, Copland, Craig, Cunningham, Daley, Dubois, Dunn, Elliott, Emmerson, Foster, Gilham, Green of Greene, Hankins, Happy, Hardin, Harris, Henderson, Henry, Holmes, Houston, Jarrott, Johnson, Jones, Kent, Kercheval, Kerr, Logan, McWilliams, Marshall, Menard, Morgan, Murphy of Cook, Pace, Philips, Read, Roberts, Robinson, Roman, George Smith, Thomas of St. Clair, Walker of Fulton, Williams, and Mr. Speaker—52.

The question was taken on Mr. Zimmerman's motion to postpone the bill indefinitely, by yeas and nays, on the call of Messrs. Hardin and Daley, and decided in the affirmative, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Franklin, Bainbridge, Brown, Churchill, Craig, Crain, Cunningham, Dawson, Dann, Edmonston, Edwards Em-



merson, Ficklin, Flood, Foster, French, Gouge, Green of Clay, Harris, Henderson, Hull, Kent, Kercheval Lincoln, Logan, Lyons, McCormick, McCutchen, McMillan, Marshall, Maus, Moore, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Philips, Rawalt, Robinson, Smith of Wabash, George Smith, Robert Smith, Thomas of McLean, Thornton, Walker of Vermilion, Wood, and Zimmerman—49.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Greene, Archer, Baker, Calhoun, Carpenter, Cloud, Compher, Copland, Daley, Dubois, Elliott, Fisk, Gilham, Green of Greene, Hankins, Happy, Hardin, Henry, Holmes, Houston, Jarrott, Johnson, Jones, Kerr, McWilliams, Menard, Morgan, Pace, Read, Roberts, Roman, Thomas of St. Clair, Walker of Fulton, Williams, and Mr. Speaker—36.

The resolution providing for the election of three Fund Commissioners, and which was this day received from the Senate, was read; when,

Mr. Dawson moved to amend the resolution, by striking out the words "three Fund Commissioners," and inserting, in lieu thereof, the following, viz:

"Two Fund Commissioners, one of whom shall be called and designated as Commissioner of Loans, and the other Disbursing and Auditing Commissioner."

Mr. Dubois moved to lay the message from the Senate on the table; which was not agreed to.

Mr. Edwards moved the previous question; which motion was sustained.

Mr. Naper called for a division, so as to take the question first on striking out.

The question was then taken on striking out, and decided in the affirmative, by yeas and nays, on the call of Messrs Happy and Maus, as follow:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Greene, Baker, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copland, Cunningham, Daley, Dawson, Dubois, Elliott, Emmerson, Ficklin, Flood, Foster, Gilham, Gouge, Green of Greene, Hankins, Happy, Hardin, Harris, Henry, Holmes, Houston, Jarrott, Johnson, Jones, Kerr, McCormick, McCutchen, McMillan, McWilliams, Menard, Morgan, Murphy of Cook, Murphy of Vermilion, Otwell, Rawalt, Read, Roberts, Robinson, Roman, Smith of Wabash, George Smith, Stapp, Thomas of St. Clair, Walker of Fulton, Williams, and Mr. Speaker—54.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Franklin, Archer, Bainbridge, Craig, Crain, Dunn, Edmonston, Edwards, Fisk, Green of Clay, Hull, Kent, Kercheval, Lincoln, Logan, Lyons, Marshall, Maus, Moore, Murphy of Perry, Naper, Philips, Pace, Robert Smith, Thomas of McLean, Thornton, Walker of Vermilion, Wood, and Zimmerman—30.

Mr. Thornton called for a further division, so as to take the question on inserting the words "two Fund Commissioners;" which, being put, was decided in the affirmative.

The question was then put on inserting the balance of said amendment, and agreed to.

The resolution, as amended, was then adopted.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence in the amendments of the House of Representatives to the same.

The bill, entitled "An act for the benefit of the counties therein named," was read a third time, and

On the question—"Shall the bill pass?"

It was decided in the negative, by yeas and nays, upon the call of Messrs. McMillan and Murphy of Cook, as follow:

Those who voted in the affirmative, are,

Messrs. Allen of Greene, Archer, Bainbridge, Churchill, Craig, Foster, Gilham, Green of Clay, Green of Greene, Hardin, Henderson, Holmes, Johnson, Kent, Kercheval, Kerr, Logan, McCutchen, McWilliams, Maus, Moore, Murphy of Cook, Murphy of Perry, Pace, Rawalt, Roberts, Smith of Wabash, Robert Smith, Stapp, Thomas of McLean, Thornton, Williams, and Mr. Speaker—33.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Brown, Calhoun, Carpenter, Cloud, Compher, Copland, Crain, Cunningham, Dawson, Dunn, Edmonston, Edwards, Elliott, Emmerson, Gouge, Hankins, Happy, Henry, Houston, Hull, Jarrott, McMillan, Marshall, Menard, Morgan, Naper, Otwell, Philips, Read, Roman, George Smith, Thomas of St. Clair, Walker of Vermilion, Wood, and Zimmerman—37.

On motion of Mr. Thomas of McLean,

The rule of the House was dispensed with to enable him to make a report.

Mr. Thomas of McLean, from the select committee to which was referred the bill from the Senate, entitled "An act in relation to the county of Macon," reported the same with an amendment; which was read.

Mr. Edwards moved to lay the bill and report on the table until the 4th day of July next; which was not agreed to.

The report of the select committee was then concurred in.

The bill was then

*Ordered* to a third reading as amended.

On motion of Mr. Elkin,

The rule of the House was dispensed with, and the bill read a third time, and passed as amended.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk carry said bill to the Senate, and ask their concurrence in the amendments of the House to said bill.

The engrossed bill for "An act to incorporate the First Independent Congregational Society of Princeton," was read the third time, and,

On motion of Mr. Moore,

Laid on the table.

The bill from the Senate, entitled "An act to authorize limited partnerships," was read the third time.

On the question—"Shall the bill pass?"

It was decided in the negative, by yeas and nays, upon the call of Messrs. Murphy of Cook and Read, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Archer, Baker, Bainbridge, Calhoun, Churchill,

Craig, Cunningham, Ficklin, Gouge, Green of Clay, Henderson, Hull, Jones, Kent, Kercheval, Kerr, Lincoln, McCutchen, Morgan, Murphy of Cook, Murphy of Vermilion, Naper, Otwell, Roberts, Roman, Smith of Wabash, George Smith, Robert Smith, Stapp, Thornton, Walker of Fulton, Walker of Vermilion, Williams, Wood, and Mr. Speaker—35.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Brown, Carpenter, Compher, Copland, Crain, Daley, Dawson, Dubois, Dunn, Edmondston, Edwards, Elliott, Emmerson, Fisk, Flood, Foster, Gilham, Green of Greene, Hankins, Happy, Hardin, Harris, Henry, Holmes, Houston, Jarrott, Johnson, McMillan, McWilliams, Maus, Moore, Murphy of Perry, Pace, Rawalt, Read, Robinson, Thomas of St. Clair, Walker of Fulton, and Zimmerman—42.

The engrossed bills, entitled "An act to incorporate the seminaries of learning therein named;" and "An act to establish the Mississippi Ferry Company at Savannah, and for other purposes," were severally read a third time, and passed.

*Ordered*, That the titles be as aforesaid, and that the Clerk inform the Senate of the passage thereof, and ask their concurrence therein.

The bills from the Senate, entitled

"An act concerning a State road in the county of Fulton;"

"An act in addition to the several acts authorizing and regulating the sale of school lands;"

"An act for the relief of the trustees of Shawneetown;" and

"An act further to provide for the release and extinction of mortgages;"

Were severally read a third time, and passed.

*Ordered*, That the titles be as aforesaid, and that the Clerk inform the Senate thereof.

On motion of Mr. Thornton,

The vote on the resolution offered by Mr. Smith of Wabash, on the 22d February, relative to the portraits of George Washington and the Marquis de La Fayette, was reconsidered.

On his further motion,

The word "life" was stricken out, and the word "length" inserted in lieu thereof, so as to read "full length portraits."

The resolution, as amended, was then adopted.

*Ordered*, That the clerk inform the Senate thereof, and ask their concurrence therein.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that the Senate have refused to concur with them in their amendments to the resolution appointing the 26th inst., at 7 o'clock P. M., for the election of three Fund Commissioners.

And he withdrew.

On motion of Mr. Henderson,

The foregoing message was afterwards taken up.

Mr. Henderson moved that the House recede from its amendments.

Mr. Alexander moved to lay the message on the table; which was not agreed to.

The question was then taken on Mr. Henderson's motion, and decided in the affirmative, by yeas and nays, on the call of Messrs. Happy and McMillan, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Franklin, Archer, Bainbridge, Brown, Craig, Crain, Edmondston, Edwards, Elkin, Fisk, Flood, Foster, Green of Clay, Hardin, Harris, Henderson, Henry, Holmes, Hull, Kent, Kercheval, Kerr, Lyons, McCutchen, Maus, Moore, Morgan, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Pace, Philips, Rawalt, Roberts, Smith of Wabash, George Smith, Robert Smith, Thomas of McLean, Thornton, Walker of Vermillion, Wood, and Zimmerman—44.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Green, Calhoun, Carpenter, Churchill, Cloud, Compher, Copland, Cunningham, Daley, Dawson, Dubois, Elliott, Emmerson, Ficklin, Gilham, Gouge, Green of Greene, Hankins, Happy, Houston, Jarrott, Johnson, Jones, McMillan, McWilliams, Murphy of Cook, Read, Robinson, Roman, Stapp, Thomas of St. Clair, Walker of Fulton, Williams, and Mr. Speaker—35.

*Ordered*, That the Clerk inform the Senate thereof.

The bill from the Senate, entitled "An act to provide for the specific execution of contracts in relation to the payment of interest," was read a third time.

The question was put—"Shall the bill pass?"

And decided in negative, by yeas and nays, on the call of Messrs. Calhoun and Rawalt, as follow:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Greene, Archer, Bainbridge, Churchill, Craig, Ficklin, Fisk, Foster, Gilham, Green of Greene, Hardin, Henderson, Houston, Jarrott, Johnson, Jones, Kerr, Lyons, McCutchen, McWilliams, Marshall, Morgan, Murphy of Perry, Naper, Pace, George Smith, Stapp, Williams, and Wood—30.

Those who voted in the negative, are,

Messrs. Allen of Franklin, Baker, Brown, Calhoun, Carpenter, Cloud, Compher, Copland, Crain, Cunningham, Daley, Dawson, Dubois, Edwards, Elkin, Elliott, Emmerson, Gouge, Green of Clay, Hankins, Happy, Harris, Henry, Holmes, Hull, Kent, Kercheval, Lincoln, McCormick, McMillan, Moore, Murphy of Cook, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Roberts, Robinson, Roman, Smith of Wabash, Robert Smith, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Fulton, Walker of Vermilion, Zimmerman, and Mr. Speaker—49.

*Ordered*, That the Clerk inform the Senate thereof.

The bill from the Senate, entitled "An act in relation to the resident land tax of Hancock county," was taken up, and,

On motion of Mr. Aldrich,

Laid on the table.

On motion of Mr. Walker of Vermilion,

The vote taken on the passage of the bill for "An act for the benefit of the counties therein named," was reconsidered.

The question was again put—"Shall the bill pass?"

And decided in the affirmative, by yeas and nays, on the call of Messrs. Thomas of St. Clair and Daley, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Greene, Archer, Baker, Bainbridge, Brown, Churchill, Craig, Crain, Dubois, Edwards, Fisk, Foster, Gilham, Green of Clay, Green of Greene, Hardin, Henderson, Holmes, Johnson, Kent, Kercheval, Kerr, Lincoln, McCormick, McCutchen, McWilliams, Maus, Moore, Murphy of Cook, Murphy of Perry, Naper, Otwell, Pace, Rawalt, Roberts, Smith of Wabash, Robert Smith, Stapp, Thomas of McLean, Thornton, Walker of Fulton, Walker of Vermilion, Williams, and Mr. Speaker—45.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Calhoun, Carpenter, Cloud, Compher, Copland, Daley, Edmonston, Elliott, Flood, Hankins, Happy, Henry, Houston, Hull, Jarrott, Jones, McMillan, Morgan, Murphy of Vermilion, Read, Robinson, Roman, George Smith, Thomas of St. Clair, Wood, and Zimmerman—28.

*Ordered*, That the title be as aforesaid, and that the Clerk carry the bill to the Senate, and ask their concurrence therein.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: The Senate have concurred with the House of Representatives in the passage of bills of the following titles, viz:

"An act to authorize the county commissioners' court of St. Clair county to change State roads in said county;"

"An act for the benefit of John W. Spencer and David B. Sears of Rock Island county;"

"An act to permanently locate the county seat of Mercer county;" and

"An act to authorize Nathaniel G. Wilcox and his associates to establish a ferry across the Mississippi river, at the most convenient point opposite the town of Bloomington."

They have indefinitely postponed the consideration of the bill from the House of Representatives, entitled "An act to authorize the Judge of the fourth judicial circuit to hold special terms of the circuit court."

And he withdrew.

The engrossed bill, entitled "An act to authorize a loan of money," was read the third time, and passed.

The yeas and nays being called for on the passage of this bill,

Those who voted in the affirmative, are,

Messrs. Allen of Greene, Archer, Bainbridge, Brown, Calhoun, Churchill, Craig, Dawson, Edwards, Elkin, Ficklin, Gilham, Gouge, Green of Greene, Harris, Holmes, Hull, Kerr, Lincoln, McCutchen, McWilliams, Marshall, Moore, Murphy of Cook, Murphy of Perry, Otwell, Philips, Rawalt, Roberts, Smith of Wabash, George Smith, Robert Smith, Thomas of McLean, Thornton, Walker of Vermilion, Williams, and Zimmerman—37.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Greene, Carpenter, Cloud, Copland, Crain, Cunningham, Daley, Dubois, Elliott, Emerson, Foster, Green of Clay, Hankins, Hardin, Henry, Houston, Jarrott, Johnson, Kercheval,

McMillan, Morgan, Pace, Read, Robinson, Roman, Stapp, Thomas of St. Clair, Walker of Fulton, and Mr. Speaker—30.

*Ordered*, That the title of said bill be as aforesaid, that the Clerk carry the same to the Senate, and ask their concurrence therein.

The bill from the Senate, entitled "An act to provide for the dedication of lots, in towns situated on canal lands, to public purposes," was read the third time, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

The engrossed bills, entitled

"An act vacating a part of the town of Illinois City, and changing the name of the residue to that of Uniontown;"

"An act to authorize Narcise Penconneau to build a bridge over the Kaskaskia river, at Athens, in St. Clair county;"

"An act to establish a State road therein named;"

"An act to incorporate the town of Shelbyville;"

"An act to authorize St. Clair county to establish a ferry across the Mississippi river;" and

"An act to amend an act, entitled 'An act concerning sheriffs and coroners,' approved February 12th, 1837;"

Were severally read the third time, and passed.

*Ordered*, That the titles of the bills be as aforesaid, that the Clerk carry said bills to the Senate, and ask their concurrence therein.

And then the House adjourned.

## TUESDAY, FEBRUARY 26, 1839.

House met pursuant to adjournment.

The amendment of the Senate to the bill from the House, entitled "An act to establish the county of Hardin," was read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The amendment of the Senate to the bill from the House, entitled "An act for the formation of Lake county," was read; and,

On the question—"Will the House concur in the Senate's amendment to said bill?"

It was decided in the negative.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Elkin, from the committee on Engrossed Bills, reported, as correctly engrossed, a bill for "An act to locate and establish, and alter, change, and relocate State roads."

Mr. Moore presented the remonstrance of sundry citizens of McLean county, against the division of said county; which, without reading, was, on his motion, referred to the same select committee to which was referred the bill from the Senate for "An act for the formation of De Witt county."

The question pending yesterday noon when the House adjourned, being on the motion to postpone indefinitely the bill, entitled "An act to create the county of Virgil," and the report of the select committee thereon, coming<sup>a</sup> up for consideration,

The question was put, and decided in the affirmative.

Mr. Archer, from the committee on State Roads, to which was referred a certain petition, reported a bill for "An act to locate a State road from Belleville to Brownsville;" which was twice read, and

*Ordered* to be engrossed for a third reading.

Mr. Stapp, from the committee on State Roads, to which was referred the bill for "An act to improve a certain road therein named," reported the same with an amendment; which was read and concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Churchill, from the committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles, viz:

"An act to amend 'An act to extend the corporate powers of the town of Peoria,' approved January 21, 1837;"

"An act to change part of the Philips' ferry road, in Morgan county;"

"An act to extend the corporate powers of the president and trustees of the town of Belleville;"

"An act relative to towns therein named;"

"An act providing for the improvement of certain roads in Edgar county;"

"An act to locate a certain road therein named;"

"An act to establish a State from Mount Sterling via La Grange, Arnz's mill, and Princeton, to Springfield, and for attaching part of the county of Shelby to the county of Lane;"

"An act to amend 'An act incorporating the New Canton and Piketon Railroad Company;"

"An act to incorporate the Charleston Marine and Fire Insurance Company;"

"An act to authorize the county commissioners' court of St. Clair county to change a State road in said county;"

"An act to authorize Nathaniel G. Wilcox and his associates to establish a ferry across the Mississippi river, at the most convenient point opposite the town of Bloomington;"

"An act for the benefit of John W. Spencer and David B. Sears, of Rock Island county;"

"An act to permanently locate the county seat of Mercer county;"

"An act to legalize the survey of certain State roads;"

"An act to amend the several laws in relation to the Illinois and Michigan canal;"

"An act to relocate part of a certain State road therein named;" and

"An act concerning the public revenue."

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* The Senate have passed a bill of the following title, viz: "An act fixing the time of holding the Supreme Court, and the circuit courts in the first, sixth, seventh, eighth, and ninth circuits;" in the passage of which bill they ask the concurrence of the House of Representatives. And then he withdrew.

Another message from the Senate, by Mr. Richardson, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of a bill of the following title, viz: "An act to incorporate the Warsaw

Marine Fire Insurance Company," as amended by them; in which amendments they ask the concurrence of the House of Representatives.

They have also concurred with them in the passage of bills of the following titles, viz:

"An act to relocate part of the State road from Mount Vernon to Fairfield;" and

"An act to incorporate the Warsaw Railroad Company."

They refuse to order to a third reading the bill from the House of Representatives, entitled "An act to incorporate the Embarrass River Navigation Company." And then he withdrew.

Mr. Fisk, from the committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act to provide for publishing the decisions of the Supreme Court," together with the amendments of the select committee, and the memorial of William Walters, reported the same with amendments; which were read.

The amendments of the committee were then concurred in; when,

On motion of Mr. George Smith,

The bill, as amended, was laid on the table until the 4th day of July next.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Servant, a Senator:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have concurred with the House in the passage of the bill for "An act to revive an act, entitled 'An act to incorporate the stockholders of the Randolph Manufacturing Company,' approved January 16, 1836," as amended by them; in which amendment they ask the concurrence of the House of Representatives.

The Senate have passed a bill for "An act supplemental to the act, entitled 'An act to provide for a loan for canal purposes;'" in the passage of which they ask the concurrence of the Senate. And then he withdrew.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred the bill from the Senate, entitled "An act further to amend the act, entitled 'An act to maintain a general system of internal improvements,'" and an amendment thereto offered by Mr. Murphy of Vermilion, reported the same with sundry amendments, and asked to be discharged from the further consideration of the amendment offered in the House.

Mr. Murphy of Vermilion withdrew his amendment.

The amendments of the committee were read.

Mr. Daley moved to postpone indefinitely the bill and amendments.

Mr. Menard moved to amend the report of the committee, by adding the following section:

"SEC. . The sum of one hundred thousand dollars is hereby appropriated for the improvement of the Kaskaskia river, in addition to the sum already appropriated;" which was not agreed to.

Mr. Roman offered the following amendment to the 32d section of the amendments reported:

"And for the completion of the Great Western mail route, between Belleville and Illinois town, the sum of fifteen thousand dollars is hereby appropriated, out of the internal improvement fund, to be expended



under the direction of the Board of Public Works;" which was not agreed to.

Mr. Zimmerman moved the previous question, which was sustained.

The question was put on the indefinite postponement of the bill and amendments, and decided in the negative as follow, upon the call of Messrs. Morgan and Jones, viz:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Greene, Baker, Calhoun, Carpenter, Cloud, Copland, Daley, Elliott, Gilham, Gouge, Green of Greene, Happy, Hardin, Henry, Holmes, Houston, Jarrott, Johnson, Jones, Kerr, McMillan, McWilliams, Menard, Morgan, Pace, Read, Roberts, Roman, Stapp, and Walker of Fulton—31.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Franklin, Archer, Bainbridge, Brown, Churchill, Compher, Craig, Crain, Cunningham, Dawson, Dubois, Dunn, Edwards, Emmerson, Fisk, Foster, Green of Clay, Hankins, Harris, Henderson, Huey, Hull, Kent, Lincoln, Logan, McCormick, McCutchen, Marshall, Moore, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Philips, Rawalt, Robinson, Smith of Wabash, George Smith, Robert Smith, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Vermilion, Williams, Wood, Zimmerman, and Mr. Speaker—49.

Mr. Hardin moved to amend the bill, by adding the following as an additional section, viz:

"SEC. . It shall be the duty of the Fund Commissioners to report to the Attorney General any defalcations or balances which may exist on the settlement of the accounts of any of the Commissioners of the Board of Public Works, or of any other agent of the State connected with the internal improvement system, who, on the settlement of his accounts, may have a balance of moneys, belonging to the State, remaining in his hands; and it shall be the duty of the Attorney General to proceed to collect the same according to law."

Mr. Bainbridge moved the previous question; which motion was sustained.

The question was then taken on the adoption of Mr. Hardin's amendment, and decided in the affirmative.

Mr. Carpenter called for a division of the question, so as to take the vote separately on the amendment proposed to the 12th section.

Mr. Stapp called for a further division, so as to take the vote separately on each amendment.

The question was put on adopting the first amendment, and decided in the affirmative.

The question being on the adoption of the second amendment, proposing to strike out the 11th section, and insert another in lieu thereof,

Mr. Hardin called for a division of the question, so as to take the vote separately on striking out.

The question was taken on striking out, by yeas and nays, on the call of Messrs. Jarrott and Jones, and decided in the affirmative, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Archer, Baker, Bainbridge, Brown, Carpenter, Churchill, Cloud, Compher, Copland, Craig,

Crain, Cunningham, Daley, Dawson, Dubois, Edmonston, Elkin, Elliott, Emmerson, Fisk, Flood, Foster, Gilham, Green of Clay, Green of Greene, Happy, Hardin, Henderson, Henry, Holmes, Houston, Hull, Jarrott, Johnson, Jones, Kent, Kercheval, Kerr, Logan, McCormick, McCutchen, McMillan, McWilliams, Menard, Moore, Morgan, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Naper, Pace, Philips, Read, Roberts, Robinson, Roman, Smith of Wabash, George Smith, Robert Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Fulton, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—71.

Those who voted in the negative, are,

Messrs. Allen of Greene, Calhoun, Dunn, Edwards, Gouge, Hankins, Harris, Huey, Lincoln, Marshall, Maus, Otwell, Rawalt, and Williams—14.

Mr. McMillan called for a further division of the question, so as to take it first on inserting the following, viz:

"The Board of Commissioners of Public Works are hereby authorized to locate and construct a lateral branch railroad, of the Alton, Hillsboro, and Shelbyville railroad, from some eligible point on the said railroad, between Upper Alton and Hillsboro, to Carlinville, in Macoupin county."

Which question, being put, was decided in the affirmative, by yeas and nays, as follow, upon the call of Messrs. Jarrott and Jones, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Franklin, Archer, Bainbridge, Brown, Calhoun, Churchill, Craig, Crain, Cunningham, Dawson, Dubois, Dunn, Edmonston, Edwards, Elkin, Emmerson, Foster, Gouge, Green of Clay, Harris, Henderson, Huey, Hull, Kent, Kercheval, Lincoln, Logan, McCormick, McCutchen, Marshall, Maus, Moore, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Philips, Roberts, Robinson, Smith of Wabash, George Smith, Robert Smith, Thomas of McLean, Thornton, Walker of Vermilion, Williams, Wood, Zimmerman, and Mr. Speaker—51.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Greene, Baker, Carpenter, Cloud, Compher, Copland, Daley, Elliott, Fisk, Flood, Gilham, Green of Greene, Hankins, Happy, Hardin, Henry, Holmes, Houston, Jarrott, Johnson, Jones, Kerr, McMillan, McWilliams, Menard, Morgan, Pace, Rawalt, Read, Roman, Stapp, Thomas of St. Clair, and Walker of Fulton—34.

The question was then taken on inserting the balance of amendment, and agreed to.

The question was then taken on amending the 12th section, by adding the following:

"And there is hereby appropriated the sum of fifty thousand dollars, in addition to the sum heretofore appropriated, for the improvement of Rock river."

Which amendment was agreed to, by yeas and nays, as follow, upon the call of Messrs. Carpenter and Alexander, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Archer, Baker, Bainbridge, Brown, Churchill, Compher, Craig, Crain, Cunningham, Dawson, Dubois, Dunn, Emmerson,

Fisk, Foster, Green of Clay, Harris, Henderson, Huey, Kent, Kercheval, Lincoln, Logan, McCormick, McCutchen, McWilliams, Marshall, Maus, Moore, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Philips, Rawalt, Robinson, Smith of Wabash, George Smith, Robert Smith, Stapp, Thomas of McLean, Thornton, Walker of Vermilion, Williams, Zimmerman, and Mr. Speaker—48.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Calhoun, Carpenter, Cloud, Copland, Daley, Edmonston, Edwards, Elkin, Elliott, Flood, Gilham, Gouge, Green of Greene, Hankins, Happy, Hardin, Herry, Holmes, Houston, Hull, Jarrott, Johnson, Jones, Kerr, McMillan, Menard, Morgan, Pace, Read, Roberts, Roman, Thomas of St. Clair, Walker of Fulton, and Wood—37.

The question was then taken separately upon the balance of the amendments, and agreed to.

On the question—"Shall the bill be ordered to a third reading, as amended?"

It was decided in the affirmative, by yeas and nays, as follow, upon the call of Messrs. Baker and Morgan, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Franklin, Archer, Bainbridge, Brown, Churchill, Craig, Crain, Cunningham, Dawson, Dubois, Dunn, Edwards, Emmerson, Fisk, Foster, Green of Clay, Hankins, Harris, Henderson, Huey, Hull, Kent, Lincoln, Logan, McCormick, McCutchen, Marshall, Maus, Moore, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Philips, Robinson, Smith of Wabash, George Smith, Robert Smith, Thomas of McLean, Thornton, Walker of Vermilion, Williams, Zimmerman, and Mr. Speaker—46.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Greene, Baker, Calhoun, Carpenter, Cloud, Compher, Copland, Daley, Edmonston, Elkin, Elliott, Flood, Gilham, Gouge, Green of Greene, Happy, Hardin, Henry, Holmes, Houston, Jarrott, Johnson, Jones, Kerr, McMillan, McWilliams, Menard, Morgan, Pace, Rawalt, Read, Roberts, Roman, Stapp, Thomas of St. Clair, and Walker of Fulton—37.

A message from the Senate, by Mr. Thomas, a Senator:

*Mr. Speaker:* I am directed to inform the House of Representatives that the Senate have passed bills of the following titles, viz:

"An act to provide for settlement with the representatives of deceased contractors upon public works;"

"An act to authorize the resurvey of the town of Peru, in La Salle county;" and

"An act concerning public roads in Schuyler county."

In the passage of which they ask the concurrence of the House.

They refuse to read a second time the bill from the House, entitled "An act for the relief of J. H. C. Hanna."

They have laid on the table, until the 4th day of July next, the bill from the House, entitled "An act providing for the election of a public binder, and defining his duties."

And then he withdrew.

Another message from the Senate, by Mr. Harrison, a Senator:

*Mr. Speaker:* The Senate have refused to recede from their amendment to the bill from the House, entitled "An act for the formation of Lake county," and ask of the House the appointment of a committee of conference on the disagreeing vote of the two Houses on the amendment to said bill; and have appointed Messrs. Peck, Stadden, and Harrison, the committee on the part of the Senate.

And then he withdrew.

Mr. McWilliams, from the committee on Education, to which was referred the bill for "An act for the relief of Ezekiel Lane, Matthew K. Martin, and David Martin," reported the same with amendments; which were read and concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

On motion of Mr. Cunningham,

Leave of absence was given to Mr. Ficklin.

Mr. Stapp, from the committee on Engrossed Bills, reported, as correctly engrossed, a bill, entitled "An act to improve a certain road therein named."

Mr. Moore, from the committee on Counties, to which was referred a certain petition, praying the relocation of the county seat of Cass county, reported the same, and asked to be discharged from the further consideration of said petition; which was granted.

On motion of Mr. McMillan,

Leave of absence was given to Mr. French.

Mr. Maus, from the committee on Engrossed Bills, reported, as correctly engrossed, bills of the following titles:

"An act to incorporate the Vandalia and Mississippi Turnpike Company;"

"An act to authorize the sale of saline lands in Bond county;"

"An act to regulate the granting of tavern license;"

"An act to provide for the compensation of witnesses in civil cases;"

"An act to declare Little Rock river navigable;"

"An act for the relief of James Brooks;"

"An act authorizing the county commissioners' court of Madison county to levy and collect a special tax;"

"An act supplementary to 'An act relative to wills and testaments, executors and administrators, and the settlement of estates,' approved, January 23, 1829;"

"An act to amend an act, entitled 'An act to encourage the killing of wolves,' approved February 15, 1837;" and

"An act to incorporate the Vandalia and Alton Turnpike Company."

And then the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Craig moved that the rules of the House be dispensed with, to enable committees to report; which was not agreed to.

Mr. Churchill, from the committee on Enrolled Bills, reported, as correctly enrolled, bills, entitled

"An act to grant compensation to the brigade inspector of the first brigade and third division of the Illinois militia;"

"An act to authorize the Governor to appoint bank directors;" and

"An act to incorporate the Warsaw Railroad Company."

Mr. Churchill afterwards reported that bills, this day reported as correctly enrolled, were this day laid before the Council of Revision.

On motion of Mr. Murphy of Cook,

*Ordered*, That a committee of conference on the part of the House be appointed, at the request of the Senate, on the disagreeing vote of the two Houses on the amendment of the Senate to the bill from the House, entitled "An act for the formation of Lake county."

*Ordered*, That Messrs. Murphy of Cook, Naper, Craig, Pace, and Cloud, be the committee on the part of the House, and that the Clerk inform the Senate thereof.

On motion of Mr. Hardin,

Leave was given him to withdraw the petition in relation to the location of the seat of justice of Cass county.

The engrossed bill, entitled "An act to relocate and build the penitentiary," was read the third time.

On motion of Mr. Robert Smith,

The proviso to the 1st section was stricken out.

On the question—"Shall the bill pass?"

It was decided in the affirmative, by yeas and nays, upon the call of Messrs. Green of Greene and Jones, as follow:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Greene, Archer, Calhoun, Churchill, Craig, Dawson, Edwards, Elkin, Fisk, Foster, Gouge, Green of Clay, Hardin, Harris, Henderson, Kent, Kercheval, Lincoln, Logan, McCutchen, McWilliams, Moore, Morgan, Murphy of Cook, Otwell, Roberts, Robinson, Smith of Wabash, George Smith, Robert Smith, Thornton, Walker of Vermilion, Williams, and Mr. Speaker—35.

Those who voted in the negative, are,

Messrs. Allen of Franklin, Carpenter, Cloud, Compher, Copland, Crain, Cunningham, Daley, Dubois, Edmonston, Elliott, Green of Greene, Henry, Holmes, Houston, Hull, Jarrott, Johnson, Jones, McCormick, McMillan, Marshall, Menard, Murphy of Perry, Naper, Pace, Philips, Read, Roman, Stapp, Thomas of St. Clair, Walker of Fulton, and Zimmerman—33.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk inform the Senate thereof, and ask their concurrence therein.

The engrossed bills, entitled

"An act altering, in part, Archer's addition to Lockport;"

"An act to incorporate the Illinois Legion;"

"An act making an appropriation for the improvement of the navigation of the Embarrass river;"

"An act authorizing the sale of certain school lands in Vermilion county;"

"An act to amend 'An act concerning special bail;'"

"An act to locate a State road from Ellisville to Appanoose;"

"An act to incorporate the Bainbridge Academy, in Franklin county;"

"An act authorizing the appointment of commissioners of deeds;"

"An act to amend 'An act concerning judgments and executions,' approved, January 17th, 1825;"

"An act to incorporate the Chicago and Danville Railroad Company;" and

"An act to regulate the mode of proceeding in the redemption of real estate sold under execution;"

Were severally read a third time, and passed.

*Ordered*, That the titles of the bills be as aforesaid, that the Clerk inform the Senate thereof, and ask their concurrence therein.

The engrossed bills, entitled

"An act authorizing the sale of property in Hudsonville, and appropriating the avails thereof;"

"An act for the relief of Andrew Cochran and others;"

"An act to amend 'An act in relation to religious societies;"

"An act to amend an act, entitled 'An act to create the county of Bureau;"

"An act to vacate certain alleys in the town of Winnebago;"

"An act to change the times of holding courts in the third judicial circuit in this State;"

"An act for the distribution of certain school funds;"

"An act to authorize the administrator of William C. Ralls, deceased, to convey certain real estate;"

"An act to incorporate the Warren County Male and Female Seminary;"

"An act to establish a State road in Alexander county;"

"An act to locate and establish a State road in the counties of Kane and De Kalb;"

"An act for the relief of Enoch Enloe;"

"An act to locate a State road from Nashville to Belleville;"

"An act to change the name of the town of Charleston, in Peoria county;"

"An act to incorporate the Winslow Bridge Company;"

"An act to incorporate the Aux Plaines Steam Mill Company;"

"An act declaring a certain county road, in McLean county, a State road;"

"An act to incorporate the trustees of the Rushville Female Seminary;" and

"An act for the relief of James Brooks;"

Were severally read a third time, and passed.

On motion of Mr. Smith of Wabash,

The title of the last mentioned bill was so amended as to read, "An act for the relief of James Brooks and others."

*Ordered*, That the titles of said bills be as aforesaid, and that the Clerk carry the same to the Senate, and ask their concurrence in the passage thereof.

The engrossed bills, entitled

"An act to locate a State road from Bloomington to Lexington, in McLean county;"

"An act to incorporate the Franklin Institute.

"An act to locate a State road in McLean and Tazewell counties;"

"An act to relocate the seat of justice in the county of De Kalb;"

"An act to incorporate the Vandalia and Alton Turnpike Company;"

"An act supplementary to 'An act relative to wills and testaments, executors and administrators, and the settlement of estates,' approved January 23d, 1829;"

"An act authorizing the county commissioners' court of Madison county to levy and collect a special tax;" and

"An act to incorporate the Vandalia and Mississippi Turnpike Company;"

Were severally read a third time, and passed.

*Ordered*, That the titles of the bills be as aforesaid, that the Clerk carry the same to the Senate, and ask their concurrence in the passage thereof.

The engrossed bill for "An act to amend an act, entitled 'An act to encourage the killing of wolves,' approved February 15th, 1837," was read a third time.

Mr. Murphy of Cook moved to lay it on the table; which was not agreed to.

Mr. Stapp moved to amend, by striking out the words, "a tender," in the affidavit provided for in said bill; which was not agreed to.

The bill was then passed.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk inform the Senate of the passage thereof, and ask their concurrence therein.

A message from the Senate, by Mr. Peck, a Senator:

*Mr. Speaker*: I am ordered by the Senate to inform the House of Representatives that they have passed bills of the following titles, viz:

"An act to authorize the county commissioners' court of Sangamon county to furnish the recorder's office of said county with desks, tables, &c.;"

"An act to incorporate the Shawneetown and New Haven Railroad Company;"

"An act to establish a justice's district in township 7 north, range 7 east, in Peoria county;"

"An act to incorporate the Springfield Academy, in the county of Sangamon," and

"An act in relation to the penitentiary;"

In the passage of which several bills they ask the concurrence of the House of Representatives. And then he withdrew.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of bills of the following titles, viz:

"An act to construct bridges across the Kaskaskia and Embarrass rivers, at or near the points where the Springfield trace crosses said streams, and for other purposes;"

"An act to authorize a relocation of a State road therein named;"

"An act to incorporate the Fairfield Institute;"

"An act to incorporate the Chicago Lyceum;"

"An act to create the county of Lee from the county of Ogle;" and

"An act to relocate a part of the State road from Mount Vernon to Nashville"

And then he withdrew.

A message from the Senate, by Mr. Hacker, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of bills of the following titles:

"An act to authorize the Board of Public Works to survey and construct the continuation of certain railroads within the State of Indiana;"

"An act of incorporation of the Fulton County Mutual Fire Insurance Company;" and

"An act to authorize St. Clair county to establish a ferry across the Mississippi river." And then he withdrew.

The engrossed bill for "An act to incorporate the northern division of the American bottom," was read a third time.

On motion of Mr. George Smith,

The following amendments were adopted:

Strike out the word "mayor," wherever it occurs, and insert "president."

In the 1st section, third line, add the words "south of Wood river," after the word "counties."

Strike out the first clause of the 10th section, from the words "the mayor," to the word "vote," inclusive, and insert, in lieu thereof, the following: "The president shall preside at all meetings of the board of trustees; and when the board is equally divided, he shall give the casting vote."

In the 7th line of the 28th section, after the words "6 P. M.," insert the following: "Which election shall be held at the office of Alexander Cook, Esq., in Illinois town, in the county of St. Clair."

The bill as amended, was then passed.

*Ordered,* That the title of the bill be as aforesaid, and that the Clerk carry the same to the Senate, and ask their concurrence in the passage thereof.

The engrossed bill for "An act to amend an act, entitled 'An act relating to the office of recorder,'" was read a third time.

On motion of Mr. Henderson,

It was amended by adding thereto the following: "Said recorders shall be entitled to such compensation as may be allowed by county commissioners of the county."

Mr. Alexander moved to lay it on the table; which was not agreed to.

The bill, as amended, was then passed.

*Ordered,* That the title of the bill be as aforesaid, that the Clerk inform the Senate of the passage thereof, and ask their concurrence therein.

Mr. Stapp, from the select committee to which was referred the bill for "An act concerning the transcribing of certain records," on leave given, reported the same with sundry amendments; which were read and concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

On motion of Mr. Naper,

The rule of the House was dispensed with, and the bill from the Senate for "An act supplemental to the act, entitled 'An act to provide for a loan for canal purposes,'" was taken up, and twice read.



On motion of Mr. Naper,

It was amended by adding the following section:

"SEC. 3. In executing the power conferred on the Governor by the act recited in the first section of this act, it shall be lawful to procure a temporary loan for immediate use by the hypothecation of bonds, or certificates of stock, upon such terms and for such period of time as may be best calculated to subserve the public interest; such loan not to exceed in amount the sum of one million of dollars."

The bill was then

*Ordered* to a third reading.

On motion of Mr. Naper,

The rules were dispensed with, and the bill read a third time as amended, and passed.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk inform the Senate of the passage thereof as amended, and ask their concurrence in the amendments of the House of Representatives.

The engrossed bill, entitled "An act to regulate the granting of tavern licenses," was read a third time.

Mr. Carpenter moved to amend the fourth section, by striking out the word "fifty," and inserting "twenty-five," in lieu thereof.

Mr. Daley called for a division of the question, so as to take the vote first on striking out.

The question was taken, on striking out, by yeas and nays, on the call of Messrs. Murphy of Perry and Kercheval, and decided in the negative as follow:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Archer, Baker, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Compher, Copland, Crain, Daley, Edmonston, Edwards, Elkin, Fisk, Foster, Green of Clay, Green of Greene, Harris, Henry, Holmes, Houston, Johnson, Jones, Kercheval Lincoln, Logan, McMillan, McWilliams, Menard, Morgan, Murphy of Cook, Murphy of Perry, Naper, Philips, Rawalt, Roman, Robert Smith, Thomas of St. Clair, Walker of Fulton, Zimmerman, and Mr. Speaker—45.

Those who voted in the negative, are,

Messrs. Aldrich, Craig, Cunningham, Dawson, Dubois, Elliott, Gouge, Happy, Hardin, Henderson, Huey, Hull, Jarrott, Kent, McCormick, McCutchen, Maus, Moore, Otwell, Pace, Roberts, Smith of Wabash, George Smith, Stapp, Thomas of McLean, Thornton, Walker of Vermilion, and Williams—28.

Those who voted in the affirmative not being two-thirds of the whole number voting, the amendment, under the rule of the House was lost.

The question was then put—"Shall the bill pass?"

And decided in the negative, by yeas and nays, on the call of Messrs. Edmondston and Jones, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Greene, Archer, Baker, Brown, Churchill, Craig, Daley, Dubois, Elkin, Elliott, Emmerson, Gouge, Green of Clay, Happy, Hardin, Henderson, Holmes, Hull, Jarrott, Kent, McCormick, McCutchen, McMillan, Maus, Moore, Murphy of Vermilion, Otwell,

Pace, Philips, Rawalt, Roberts, Smith of Wabash, George Smith, Stapp, Thomas of McLean, Thornton, Walker of Vermilion, and Williams—39.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Bainbridge, Calhoun, Carpenter, Compher, Copland, Crain, Dawson, Dunn, Edmonston, Edwards, Fisk, Foster, Green of Greene, Harris, Henry, Houston, Huey, Johnson, Jones, Kercheval, Lincoln, Logan, McWilliams, Marshall, Menard, Morgan, Murphy of Cook, Murphy of Perry, Naper, Read, Roman, Robert Smith, Thomas of St. Clair, Walker of Fulton, Wood, Zimmerman, and Mr. Speaker—39.

The number of votes being the same in the affirmative and negative, the bill was lost.

Mr. Thomas of McLean, from the select committee to which was referred the bill from the Senate, entitled "An act for the formation of De Witt county," on leave given, reported the same with amendments; which were read and concurred in.

Mr. Moore moved to add the following section:

"SEC. 15. The legal voters residing within that part of McLean county proposed to form a part of the said county of De Witt, shall, on the first Monday in May next, vote for or against being attached to said new county; and if a majority of such legal voters shall be opposed to forming a part of said county, then the provisions of this act shall not extend to the county of McLean."

The question was taken thereon, by yeas and nays, on the call of Messrs. Moore and Thomas of McLean, and decided in the negative, as follow:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Carpenter, Churchill, Daley, Edmonston, Green of Greene, Happy, Holmes, Houston, Huey, Hull, Kent, Kercheval, Logan, McWilliams, Maus, Moore, Murphy of Perry, Naper, Philips, Rawalt, Roberts, Robert Smith, Stapp, Thomas of St. Clair, Thornton, Walker of Fulton, Wood, Zimmerman, and Mr. Speaker—34.

Those who voted in the negative, are,

Messrs. Archer, Baker, Calhoun, Cloud, Compher, Craig, Cunningham, Dawson, Dunn, Edwards, Elkin, Elliott, Emmerson, Fisk, Gilham, Gouge, Hardin, Henderson, Henry, Jarrott, Johnson, Jones, Lincoln, McCormick, McCutcher, McMillan, Marshall, Morgan, Murphy of Vermilion, Otwell, Pace, Read, Roman, George Smith, Thomas of McLean, Walker of Vermilion, and Williams—37.

The bill was then

*Ordered* to be engrossed for a third reading.

On motion of Mr. Moore,

The rules were dispensed with, and the bill read a third time by its title, and passed.

*Ordered*, That the title thereof be as aforesaid, and that the Clerk inform the Senate of the passage thereof, as amended, and ask their concurrence in the amendments of the House.

Mr. Moore asked and obtained leave to withdraw certain petitions, presented by him, in relation to the division of McLean county.

On motion of Mr. Moore,

The rule of the House was dispensed with, and leave given him to introduce the report of a select committee.

Mr. Moore, from the select committee to which was referred a bill from the Senate, entitled "An act to incorporate the town of Bloomington," reported the same with amendments; which were read and concurred in, and the bill, as amended,

*Ordered* to a third reading.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am ordered by the Senate to inform the House of Representatives that they have concurred with them in the passage of bills of the following titles, viz:

"An act to revive and amend an act, entitled 'An act to incorporate the town of Caledonia;'"

"An act to incorporate agricultural societies;"

"An act to amend the recorded plat of the town of Athens;"

"An act to locate a State road from Grigsville, in Pike county, to the Mississippi river;"

"An act to authorize Samuel Hillon and Sylvanus Mason to build a mill-dam across Big Muddy river;"

"An act to authorize the commissioners of Crawford county to appoint persons to locate a certain road therein named;" and

"An act supplemental to 'An act to establish the counties of Menard, Logan, and Dane.'"

They have laid on the table, until the 4th day of July next, the bill from the House of Representatives, entitled "An act to authorize the administrators of William T. Wilber, deceased, to convey certain real estate."

They have also indefinitely postponed the consideration of the bill from the House of Representatives, entitled "An act for the relief of E. Tankersley."

Mr. Maus, from the committee on Engrossed Bills, reported, as correctly engrossed, the bill for "An act concerning the transcribing certain records."

Mr. Churchill, from the committee on Enrolled Bills, reported, as correctly enrolled, the bill for "An act to establish the county of Hardin."

The bill from the Senate, entitled "An act to authorize the Governor to commission the sheriff of Schuyler county," was read a third time, and passed.

*Ordered,* That the title of the bill be as aforesaid, that the Clerk inform the Senate thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act for the benefit of Jefferson county," was read a third time.

On motion of Mr. Pace,

The third section was amended, by striking out "Jefferson county," and inserting "Mount Vernon, or its vicinity," in lieu thereof.

The bill, as amended, was then passed.

*Ordered,* That the title thereof be as aforesaid, and that the Clerk carry said bill to the Senate, and ask their concurrence in the passage thereof.

The engrossed bill for "An act to locate and establish, and alter, change, and relocate State roads," was read a third time.

On motion of Mr. Kent,

The 73d section was stricken out.

Mr. Fisk moved to strike out the 82d section; which was not agreed to.

The bill, as amended, was then passed.

*Ordered*, That the title be as aforesaid, and that the Clerk carry the bill to the Senate, and ask their concurrence in the passage thereof.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have concurred with the House of Representatives in the passage of bills of the following titles, viz:

"An act to incorporate the Marshall Academy;" and

"An act authorizing the administrator of Henry M. Shaw, deceased, to execute deeds in certain cases, and changing the name of the town of Florence, in White county," as severally amended by them; in which several amendments they ask the concurrence of the House of Representatives.

They amend the title of the last mentioned bill, by striking out the words, "authorizing the administrator of Henry M. Shaw, deceased, to execute deeds in certain cases, and." In which amendment to said title they ask the concurrence of the House of Representatives.

They have also concurred with the House of Representatives in the passage of the bill for "An act to establish a State road in Franklin and Union counties." And he withdrew.

And then the House adjourned until 7 o'clock, P. M.

#### SEVEN O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Lincoln, from the select committee to which was referred the bill, entitled "An act supplemental to an act, entitled 'An act to amend an act for the limitation of actions, and for avoiding vexatious law suits,'" with the objections of the Council to the same becoming a law, reported the same with a substitute; which was read and concurred in.

The bill was then repassed.

On motion of Mr. Lincoln,

The title of the bill was amended, so as to read, "An act to quiet possessions and confirm titles to land."

*Ordered*, That the title be as amended, that the Clerk carry said bill to the Senate, and ask their concurrence in the repassage of the same.

Mr. Robert Smith, from the select committee to which was referred the bill for "An act to provide for revising and reprinting the laws of this State," reported the same with an amendment; which was read and concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

A message from the Council of Revision, by Mr. McLean, their Secretary:

*Mr. Speaker:* The Council of Revision have approved acts of the following titles, viz:

"An act concerning the public revenue;"

"An act to incorporate the Charleston Marine and Fire Insurance Company;"

"An act to authorize Nathaniel G. Wilcox and his associates to establish a ferry across the Mississippi river, at the most convenient point opposite the town of Bloomington;"

"An act to authorize the county commissioners' court of St. Clair county to change State roads in said county;"

"An act to incorporate the Warsaw Railroad Company;"

"An act to permanently locate the county seat of Mercer county;"

"An act to grant a compensation to the brigade inspector of the first brigade and third division of Illinois militia;" and

"An act for the benefit of John W. Spencer and David B. Sears of Rock Island county." And then he withdrew.

Mr. Carpenter, from the select committee to which was referred the bill from the Senate, entitled "An act to vacate and relocate a part of the State road leading from White's ferry to the Drowning fork of Crooked creek," reported the same with an amendment.

On motion of Mr. Flood,

*Resolved,* That the Clerk inform the Senate that the House is now ready to receive them in the hall of the House for the purpose of electing Fund Commissioners.

The Clerk having discharged that duty,

The Senate, preceded by their Speaker, appeared in the hall of the House for the purpose aforesaid; and, upon the vote being taken, Moses M. Rawlings received 102 votes; John Tilson, jr. 99 votes; Charles Oakley, 98 votes; Dennis Rockwell, 56 votes; ——— Darcy, 9 votes; Zimmerman, 1 vote; and blanks, 5.

Those who voted for Mr. Rawlings, are,

Messrs. Allen, Blackwell, Browning, Davidson, Fletcher, Gaston, Gatewood, Gibbs, Greer, Hacker, Hackelton, Hamlin, Harrison, Herndon, Hunter, Johnston, Mitchell, Moore, Monroe, Murray, Nunnally, Parrish, Peck, Richardson, Servant, Turney, Warren, Weatherford, Witt, and Wood, of the Senate; and

Messrs. Aldrich, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Copland, Craig, Crain, Cunningham, Daley, Dawson, Dubois, Dunn, Edmonston, Edwards, Elkin, Emmerson, Fisk, Flood, Foster, Green of Clay, Green of Greene, Hankins, Happy, Hardin, Harris, Henderson, Huey, Hull, Johnson, Jones, Kent, Kercheval, Logan, Lyons, McCormick, McCutchen, McMillan, McWilliams, Marshall, Maus, Menard, Moore, Morgan, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Pace, Philips, Rawalt, Read, Roberts, Robinson, Roman, Smith of Wabash, Robert Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Fulton, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker, of the House of Representatives—102.

Messrs. Borough, Gaston, Crain, Lyons, and Marshall voted blank.

Those who voted for Mr. Tilson, are,

Messrs. Allen, Blackwell, Borough, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gatewood, Gibbs, Greer, Hacker, Hackelton, Hamlin, Harrison, Herndon, Hunter, Johnston, Little, Mitchell, Mills, Moore, Monroe, Murray, Nunnally, O'Rear, Parrish, Peck, Ross, Servant, Stadden, Thomas, Warren, Weatherford, and Wood, of the Senate; and

Messrs. Aldrich, Alexander, Allen of Franklin, Archer, Baker, Bainbridge, Brown, Calhoun, Cloud, Copland, Craig, Dawson, Dubois, Dunn, Edmonston, Edwards, Elkin, Elliott, Fisk, Flood, Gilham, Green of Clay, Hankins, Hardin, Harris, Henderson, Henry, Holmes, Houston, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kercheval, Kerr, Lincoln, Logan, McCormick, McCutchen, McWilliams, Menard, Morgan, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Philips, Rawalt, Roberts, Robinson, Smith of Wabash, George Smith, Rob't Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Vermilion, Williams, Zimmerman, and Mr. Speaker, of the House of Representatives—99.

Those who voted for Mr. Oakley, are,

Messrs. Allen, Blackwell, Borough, Butler, Churchill, Fithian, Fletcher, Gaston, Gatewood, Gibbs, Hacker, Hackelton, Harrison, Herndon, Johnston, Little, Mills, Mitchell, Monroe, Nunnally, O'Rear, Parrish, Peck, Richardson, Ross, Stadden, Thomas, Turney, Warren, Witt, and Wood, of the Senate; and

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Baker, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Copland, Craig, Crain, Cunningham, Daley, Edmonston, Elliott, Emmerson, Fisk, Flood, Foster, Gilham, Green of Clay, Green of Greene, Hankins, Happy, Harris, Henderson, Henry, Holmes, Houston, Huey, Hull, Kent, Kercheval, Kerr, Lincoln, Logan, Lyons, McCormick, McMillan, McWilliams, Maus, Moore, Morgan, Murphy of Cook, Murphy of Perry, Naper, Pace, Rawalt, Read, Roberts, Robinson, Roman, Smith of Wabash, George Smith, Robert Smith, Stapp, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Fulton, Walker of Vermilion, Williams, Wood, Zimmerman, and Mr. Speaker, of the House of Representatives—98.

Those who voted for Mr. Rockwell, are,

Messrs. Browning, Butler, Churchill, Davidson, Fithian, Greer, Hamlin, Hunter, Little, Mills, Moore, Murray, O'Rear, Richardson, Ross, Servant, Stadden, Thomas, and Weatherford, of the Senate; and

Messrs. Alexander, Archer, Baker, Cloud, Cunningham, Dawson, Dubois, Dunn, Edwards, Elkin, Elliott, Emmerson, Foster, Gilham, Happy, Hardin, Henry, Holmes, Houston, Jarrott, Johnson, Jones, Kerr, Lincoln, McCutchen, McMillan, Marshall, Menard, Murphy of Vermilion, Otwell, Pace, Philips, Read, Roman, George Smith, Walker of Fulton, and Williams, of the House of Representatives—56.

Those who voted for Mr. Darcy, are,

Messrs. Turney and Witt, of the Senate; and

Messrs. Allen of Greene, Carpenter, Daley, Green of Greene, Moore, Murphy of Cook, and Wood, of the House of Representatives—9.

Mr. Maus voted for Mr. Zimmerman.

Messrs. Rawlings, Tilson, and Oakley, having received a majority, and the highest number of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected Fund Commissioners of the State of Illinois.

The Senate withdrew,

And then the House adjourned.

WEDNESDAY, FEBRUARY 27, 1839.

House met pursuant to adjournment.

The Speaker laid before the House the following communication, which was read, viz :

VANDALIA, ILLINOIS, February 27, 1839.

To the Honorable SPEAKER

*of the House of Representatives:*

SIR: I hereby resign my seat in the General Assembly, as a Representative from the county of Adams.

I am, respectfully,

Your obedient servant,

WILLIAM G. FLOOD.

On motion of Mr. Dawson,

The communication was laid on the table.

Mr. Elkin, from the committee on Engrossed Bills, reported, as correctly engrossed, bills, entitled

"An act to authorize the county commissioners' court to construct certain roads in Greene county;" and

"An act providing for revising and reprinting the laws of this State."

On motion of Mr. Rawalt,

Leave of absence was given to Mr. Walker of Fulton.

On motion of Mr. Murphy of Vermilion,

To Mr. Lyons.

Mr. Archer, from the Committee on State Roads, to which was referred the bill from the Senate for "An act to apply a part of an appropriation, heretofore made to Clark county, to the improvement of the roads from York to the county line of Clark," reported the same with an amendment; which was read and concurred in, and the bill, as amended,

*Ordered* to a third reading.

On motion of Mr. Archer,

The rule of the House was dispensed with, and the bill read a third time by its title, and passed as amended.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk inform the Senate thereof, and ask their concurrence in the amendments of the House to said bill.

The engrossed bill, entitled "An act authorizing the county commissioners' court to construct certain roads in Greene county," was read the third time, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk carry said bill to the Senate, and ask their concurrence therein.

Mr. Gouge, from the committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles, viz:

"An act to define the manner of proceeding in petitioning the General Assembly for locating or altering State roads;"

"An act further to provide for the release and extinction of mortgages;"

"An act to establish a State road from Rushville, in Schuyler county, to Pittsfield, in Pike county;"

"An act for the relief of the trustees of Shawneetown;"

"An act to relocate a part of a State road from Mount Vernon to Nashville;"

"An act to authorize a relocation of a State road therein named;"

"An act respecting section 16, in township 2 south, range 14 west, in Edwards county;"

"An act to incorporate the Chicago Lyceum;"

"An act to construct bridges across the Kaskaskia and Embarrass rivers, at or near the points where the Springfield trace crosses said streams, and for other purposes;"

"An act to incorporate the Fairfield Institute;"

"An act to create the county of Lee from the county of Ogle;" and

"Joint resolutions in relation to grant of lands by Congress, in aid of the internal improvement system of Illinois."

Mr. Hardin, from the committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act to incorporate the Kaskaskia Insurance Company," reported the same with amendments; which were read and concurred in.

The bill was then

*Ordered* to a third reading, as amended.

On motion of Mr. Menard,

The rule of the House was dispensed with, and the bill read a third time by its title, and passed, as amended.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Hardin, from the committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act to amend the act, entitled 'An act to provide for changing the venue in civil and criminal cases,' approved January 23, 1827," reported the same without amendment.

The bill was then

*Ordered* to a third reading.

On motion of Mr. Craig,

The bill was read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have indefinitely postponed the consideration of bills from the House of Representatives of the following titles, viz:

"An act authorizing the sale of certain real estate therein named;" and

"An act to appoint an additional notary public in the county of Montgomery."



They have concurred with them in the passage of bills of the following titles, viz:

"An act to vacate the town plat of East Lockport;"

"An act to incorporate the Hamilton Seminary;"

"An act to amend an act to incorporate the Quincy, Griggsville, Jacksonville, and Springfield Turnpike Company;"

"An act for the benefit of the town of Greenville;" and

"An act to incorporate the Commerce Hotel Company."

They have concurred with them in their amendments to the Senate bill for "An act to authorize John A. McClanahan to build a mill-dam in Fayette county;" and also in their amendment to the title of said bill.

They have also concurred with the House of Representatives in the joint resolution empowering the Board of Commissioners of Public Works "to locate and construct the Peoria and Warsaw railroad via Farmington," &c. And he withdrew.

Mr. Hardin, from the committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act regulating tavern and grocery license," reported the same with amendments; which were read and concurred in.

Mr. Carpenter moved to amend the bill, by striking out "one gallon," in the 6th section, and insert "one quart."

Mr. Marshall moved to amend the amendment, by inserting "two quarts;" which was not agreed to.

The question was then taken on Mr. Carpenter's amendment; and agreed to.

Mr. Jones moved to amend the bill, by adding the following; which was rejected, viz:

"No person or persons in this State shall be authorized to retail spirituous liquors by the dram or drink."

Mr. Edwards moved the previous question; which was sustained.

On the question—"Shall the bill be ordered to a third reading, as amended?"

It was decided in the affirmative, by yeas and nays, as follow, upon the call of Messrs. Calhoun and Read, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Brown, Carpenter, Churchill, Craig, Cunningham, Dubois, Elkin, Elliott, Emmerson, Gilham, Gouge, Green of Clay, Hardin, Henderson, Holmes, Houston, Huey, Hull, Jarrott, Kent, Kerr, McCormick, McCutchen, McMillan, McWilliams, Marshall, Maus, Moore, Morgan, Murphy of Vermilion, Otwell, Pace, Philips, Rawalt, Smith of Wabash, George Smith, Thomas of McLeau, and Walker of Vermilion—43.

Those who voted in the negative, are,

Messrs. Calhoun, Compher, Copland, Crain, Dawson, Edmonston, Edwards, Fisk, Foster, Green of Greene, Harris, Henry, Johnson, Jones, Kercheval, Logan, Menard, Murphy of Perry, Naper, Read, Roman, Robert Smith, Zimmerman, and Mr. Speaker—24.

On motion,

The rule of the House was dispensed with, and the bill read a third time by its title.

Mr. Dawson moved to amend the bill, by striking out that part which authorized the justices of towns to grant license.

Mr. Hardin called for a division of the question.

The question was then taken on striking out as proposed by Mr. Dawson, and decided in the negative, by yeas and nays, as follow, upon the call of Messrs. Dawson and Jones, viz:

Those who voted in the affirmative, are,

Messrs. Allen of Franklin, Bainbridge, Calhoun, Carpenter, Compher, Copland, Crain, Dawson, Dubois, Edmonston, Edwards, Fisk, Foster, Gilham, Green of Clay, Hankins, Harris, Jones, Lincoln, Naper, Read, Roman, Robert Smith, Zimmerman, and Mr. Speaker—25.

Those who voted in the negative, are,

Messrs. Aldrich, Alexander, Allen of Greene, Archer, Brown, Churchill, Craig, Cunningham, Elkin, Elliott, Emerson, Gouge, Hardin, Henderson, Henry, Holmes, Houston, Huey, Hull, Jarrott, Johnson, Kent, Kercheval, Kerr, McCormick, McCutchen, McMillan, McWilliams, Maus, Moore, Morgan, Murphy of Vermilion, Otwell, Pace, Philips, Rawalt, Roberts, Smith of Wabash, George Smith, Thomas of McLean, and Walker of Vermilion—41.

The question was then taken on the passage of the bill, as amended, and decided in the affirmative, by yeas and nays, as follow, upon the call of Messrs. Bainbridge and Edwards, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Brown, Carpenter, Churchill, Craig, Cunningham, Dubois, Elkin, Elliott, Emerson, Gouge, Green of Clay, Hankins, Hardin, Henderson, Holmes, Houston, Huey, Hull, Jarrott, Kent, Kerr, McCormick, McCutchen, McMillan, McWilliams, Marshall, Maus, Moore, Morgan, Murphy of Vermilion, Otwell, Pace, Rawalt, Roberts, Smith of Wabash, G. Smith, Thomas of McLean, and Walker of Vermilion—43.

Those who voted in the negative, are,

Messrs. Bainbridge, Calhoun, Compher, Copland, Crain, Dawson, Edmonston, Edwards, Fisk, Foster, Gilham, Green of Greene, Harris, Henry, Johnson, Jones, Kercheval, Lincoln, Logan, Menard, Naper, Philips, Read, Roman, Robt. Smith, Zimmerman, and Mr. Speaker—27.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk inform the Senate thereof, and ask their concurrence in the amendments of the House to said bill.

The question undetermined last evening when the House adjourned, being on ordering to a third reading the bill from the Senate, as amended, entitled "An act to vacate and relocate a part of the State road leading from White's ferry to the Drowning fork of Crooked creek," was put, and decided in the affirmative.

Mr. Carpenter, from the select committee to which was referred the bill for "An act to amend the act relative to criminal jurisprudence," reported the same with an amendment; which was read and concurred in.

*Ordered* to be engrossed for a third reading.

Mr. Archer, from the committee on State Roads, to which was referred the bill for "An act to amend the act regulating the salaries, fees, and compensation of the several officers and persons therein mentioned," reported the same with an amendment; which was read and concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

On motion of Mr. Archer,

The rule of the House was dispensed with, the bill read a third time by its title, and passed.

On motion of Mr. Archer,

The title was amended, so as to read, "An act to protect the Cumberland road, and prevent trespasses."

*Ordered*, That the title of the bill be as amended, that the Clerk carry said bill to the Senate, and ask their concurrence therein.

Mr. Gouge, from the committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles, viz:

"An act to locate a State road therein named;"

"An act to authorize the sale of school lands in Edwards county;"

"An act to lay out a State road from Shelbyville, in Shelby county, to Decatur, in Macon county;"

"An act to locate a certain State road therein mentioned;"

"An act to amend the act, entitled an "Act declaring what shall be evidence in certain cases, approved 10th January, 1827;"

"An act supplementary to an act prescribing the mode of trying the right of property;"

"An act to incorporate the town of Kankakee;"

"An act for the relief of Calhoun county;"

"An act supplemental to the several acts relative to the Wabash Navigation Company;"

"An act concerning a State road in the county of Fulton;" and,

"An act in addition to the several acts authorizing and regulating the sale of school lands."

A message from the Senate, by Mr. Peck, a Senator:

*Mr. Speaker*: The Senate have concurred with the House of Representatives in the passage of bills of the following titles, viz:

"An act to incorporate the Mount Carmel Manufacturing Company;"

"An act authorizing the improvement of the Big Muddy river;"

"An act to locate a State road from the dividing line between the counties of Vermilion and Iroquois, at the point where the Butterfield trace crosses said line;"

"An act to incorporate the Illinois Insurance Company;" and

"An act to incorporate the town of Hennepin," as respectively amended by them; in which amendments they ask the concurrence of the House. And he withdrew.

A message from the Senate, by Mr. Browning, a Senator:

*Mr. Speaker*: The Senate have concurred with the House of Representatives in the passage of a bill for "An act to incorporate the Fox River Manufacturing Company, and for other purposes," as amended by them.

They amend the title so as to make it read, "An act to fix the time of holding courts in the several counties composing the fifth judicial circuit;" in which amendments to the bill and title they ask the concurrence of the House of Representatives.

And he withdrew.

Mr. McCormick, from the select committee to which were referred certain petitions, reported a bill for "An act in relation to the Springfield and Beardstown State road;" which was twice read.

On motion of Mr. Murphy of Perry,

The bill was amended, by adding the following sections:

"SEC. That Samuel W. Anderson of Washington county, Isaac B. Walker of Perry county, and Alfred Ray of Marion county, be and they are hereby appointed commissioners to view, mark, and locate a State road beginning at Salem, in Marion county; running thence, on the nearest and best ground, to Pinckneyville, in Perry county, so as to intersect the road leading from Pinckneyville to Chester.

"SEC. Said commissioners, or a majority of them, shall meet at Pinckneyville aforesaid, on the first Monday in August next, or within six months thereafter, and, after being first duly sworn by some justice of the peace faithfully to discharge the duties required by this act, shall proceed to view, mark, and locate said road according to the provisions of the preceding section.

"SEC. Said commissioners shall be allowed a reasonable compensation, to be paid out of the treasuries of the several counties, in proportion to the distance said road may run in each county, and the time engaged in the discharge of their duties."

On motion of Mr. McCormick,

The bill as amended was referred to the committee on State Roads.

Mr. Logan, from the select committee to which was referred a proposition to lease the State penitentiary at Alton, reported the same, and asked to be discharged from the further consideration thereof; which was granted.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred a bill for "An act to amend 'An act to establish and maintain a general system of internal improvements,'" reported the same with sundry amendments; which were read and concurred in, and the bill

*Ordered* to be engrossed for a third reading.

Mr. Walker of Vermilion, from the select committee to which was referred a bill for "An act for the appropriation of the Vermilion saline lands, and moneys arising from the sales thereof," reported the same with sundry amendments; which were read.

Mr. Elkin moved to postpone indefinitely the bill and amendments.

Mr. Daley moved to amend, by adding the following section:

"That the sum of thirty thousand dollars is hereby appropriated, out of the internal improvement fund, for the purpose of improving the navigation of Macoupin creek, in Greene county, to be expended under the direction of the Commissioner of the Board of Public Works in the first judicial circuit;" which was not agreed to.

The question was put on the indefinite postponement of the bill and amendments, and decided in the affirmative, by yeas and nays, on the call of Messrs. Walker of Vermilion and Dawson, as follow:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Bainbridge, Calhoun, Carpenter, Cloud, Copland, Cunningham, Daley, Dawson, Dubois, Edmonston, Edwards, Elkin, Emmerson, Fisk, Gilham, Gouge, Green of Greene, Hankins, Happy, Hardin, Harris, Henderson, Henry, Houston, Jarrott, Jones, Kerr, McCormick, McWilliams, Menard, Moore, Morgan, Murphy of Cook, Naper, Otwell, Pace, Read, Roman, George Smith, Thomas of St. Clair, and Zimmerman—43.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Greene, Archer, Brown, Churchill, Craig, Crain, Elliott, Foster, Green of Clay, Holmes, Huey, Hull, Kent, Kercheval, Logan, McCutchen, McMillan, Murphy of Perry, Murphy of Vermilion, Rawalt, Roberts, Robinson, Robert Smith, Thomas of McLean, Thornton, Walker of Vermilion, Wood, and Mr. Speaker—29.

A message from the Senate:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of bills of the following titles, viz:

“An act to amend an act regulating the mode of trying the right of property;”

“An act declaring the Des Plaines river a navigable stream;”

“An act to create and establish the county of Jersey;” and

“An act to establish the county of Williamson.”

They recede from their first amendment to the bill from the House of Representatives, entitled “An act to relocate the seat of justice of Livingston county.”

They have passed a bill of the following title: “An act to improve the navigation of Spoon river;” in which they ask the concurrence of the House of Representatives.

And then he withdrew.

A message from the Senate, by Mr. Thomas, a Senator:

*Mr. Speaker:* The Senate have concurred with the House of Representatives in the passage of the bill, entitled “An act to provide for securing, to mechanics and others, liens for the value of labor and materials.”

And then he withdrew.

Mr. Archer, from the committee on State Roads, to which was referred a bill for “An act establishing a general system of turnpiking,” reported the same with sundry amendments; which were read and concurred in, and the bill

*Ordered* to be engrossed for a third reading.

On motion of Mr. Elkin,

The rules were dispensed with, and the bill read a third time by its title.

On motion of Mr. Archer,

The bill was amended, by striking out the word “shall,” and inserting “may,” in lieu thereof, in the provision authorizing the county commissioners' courts to appoint a commissioner of roads.

The bill was then passed.

On motion of Mr. Archer,

The title was amended, so as to read, “An act authorizing the appointment of a commissioner of roads to construct bridges and turnpikes.”

*Ordered,* That the title be as amended, that the Clerk carry the bill to the Senate, and ask their concurrence in its passage.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have concurred with the House of Representatives in the passage of the bill, entitled “An act, making an appropriation for the improvement of the navigation of the Embarras river.

And he withdrew.

Mr. Archer, from the committee on State Roads, to which was referred the bill for "An act to construct a turnpike road from Charleston to Darwin," reported the same with an amendment as a substitute; which was read.

On motion of Mr. Smith of Wabash,

The whole of the substitute was stricken out, and the following inserted, viz:

"That the sum of                      dollars be and the same is hereby appropriated, out of the internal improvement fund, to be applied and expended, under the directions and authority of the Board of Public Works, in opening and constructing a clay turnpike road from Charleston, via Marshall, to Darwin, in Clark county; the said road to be opened, constructed, and placed on the same footing, in regard to toll-gates and tolls, as the Great Western mail route between Vincennes and St. Louis."

Mr. Alexander moved to fill the blank with "thirty-five thousand dollars."

Mr. Daley moved an indefinite postponement of the bill and amendments; which was decided in the negative, by yeas and nays, as follow, upon the call of Messrs. Roman and McMillan, viz:

Those who voted in the affirmative, are,

Messrs. Calhoun, Carpenter, Cloud, Compher, Copland, Daley, Gilham, Gouge, Green of Greene. Hankins, Happy, Hardin, Henry, Holmes, Hull, Jarrott, Kerr, McMillan, McWilliams, Menard, Morgan, Pace, Read, Roman, Stapp, Thomas of St. Clair and Williams—27.

Those who voted in the negative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Brown, Churchill, Craig, Crain, Cunningham, Dawson, Dunn, Edmonston, Edwards, Elkin, Emmerson, Fisk, Foster, Green of Clay, Harris, Henderson, Houston, Huey, Johnson, Kent, Kercheval, Logan, McCutchen, Marshall, Moore, Murphy of Cook, Murphy of Perry, Naper, Otwell, Philips, Rawalt, Roberts, Robinson, Smith of Wabash, Robert Smith, Thomas of McLean, Thornton, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—47.

The question was then taken on filling the blank with \$35,000, as proposed by Mr. Alexander, and agreed to.

On motion of Mr. Edmonston,

The bill was amended, by adding the following, viz:

"*Provided*, That the distributive share of the two hundred thousand dollars, belonging to any county through which said road may pass, shall compose a part of this appropriation."

On motion of Mr. Archer,

The bill was further amended, by adding the following, viz:

"**SEC.** The county commissioners' court of Clark county shall, without delay, appropriate three thousand dollars to improve the State road from York, via Martinsville, to Charleston, to be disbursed under the direction of Jonathan Mosher and Henry Harrison, jr."

Mr. Stapp moved to amend the bill, by adding the following, which was not agreed to, viz:

"That the sum of five thousand dollars be and the same is hereby appropriated to the county of Warren, for the purpose of building a bridge across Henderson river, on the road leading from Monmouth to Oquawka:

*Provided*, That if the county commissioners shall deem it more expedient, they may expend the whole or any part of said appropriation on any other bridge or road in the county of Warren; and that the sum of two thousand dollars be and is hereby appropriated to the county of Knox, for the purpose of building a bridge across Spoon river, on the road leading from Peoria to Knoxville."

Mr. Marshall moved the previous question; which was sustained.

The question was then put—"Shall the bill be engrossed for a third reading?"

And decided in the affirmative, by yeas and nays as follow, upon the call of Messrs. McMillan and McWilliams, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Brown, Churchill, Craig, Crain, Cunningham, Dawson, Dubois, Dunn, Edmonston, Edwards, Elkin, Emmerson, Foster, Green of Clay, Harris, Henderson, Holmes, Houston, Huey, Kent, Kercheval, Logan, Marshall, Moore, Murphy of Cook, Murphy of Perry, Naper, Otwell, Philips, Rawalt, Roberts, Smith of Wabash, Robert Smith, Thomas of McLean, Thornton, Walker of Vermilion, Zimmerman, and Mr. Speaker—44.

Those who voted in the negative, are,

Messrs. Calhoun, Carpenter, Cloud, Compher, Copland, Daley, Gilham, Gouge, Green of Greene, Hankins, Happy, Hardin, Henry, Hull, Jarrott, Johnson, Kerr, McCormick, McMillan, McWilliams, Menard, Morgan, Pace, Read, Roman, George Smith, Stapp, Thomas of St. Clair, and Wood—29.

The Speaker appointed Mr. Murphy of Cook a member of the committee on Enrolled Bills, in the place of Mr. Flood resigned.

And then the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Murphy of Cook, from the committee of conference on the disagreeing vote of the two Houses on the amendment of the Senate to the bill from the House, entitled "An act for the formation of Lake county," made a report thereon; which was read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Peck, a Senator:

Mr. Speaker: I am directed by the Senate to inform the House that they have concurred with them in the amendment of the House to the bill from the Senate, entitled "An act supplemental to the act, entitled 'An act to provide for a loan for canal purposes,'" as amended by them; in which they ask the concurrence of the House. And he withdrew.

Mr. Craig, from the select committee to which was referred the bill from the Senate, entitled "An act to authorize George W. Jones to establish a ferry from Jordan's ferry to Du Buque," reported the same with an amendment; which was read and concurred in, and the bill

*Ordered* to a third reading as amended.

On motion of Mr. Craig,

The rule of the House was dispensed with, and the bill read the third time by its title, and passed as amended.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk inform the Senate thereof, and ask their concurrence in the amendment of the House to said bill.

Mr. Daley, from the select committee to which was referred the bill for "An act to incorporate the Greene County Mutual Fire Insurance Company," reported the same with an amendment; which was read and concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

The engrossed bills, entitled

"An act to locate a State road from Belleville to Brownsville;"

"An act to authorize the sale of saline lands in Bond county;" and

"An act to declare Little Rock river navigable;"

Were severally read the third time, and passed.

*Ordered*, That the titles of said bills be as aforesaid, that the Clerk carry said bills to the Senate, and ask their concurrence therein.

The engrossed bill, entitled "An act providing for revising and reprinting the laws of this State," was read the third time.

On the question—"Shall the bill pass?"

It was decided in the negative.

The bill from the Senate, entitled "An act further to amend the act, entitled 'An act to establish and maintain a general system of internal improvement,'" was read the third time, as amended, by its title.

Mr. Stapp moved to amend the bill, by striking out "\$10,000," the amount allowed to be retained by the commissioners and inserting "\$2,000;" which was not agreed to.

Mr. Walker of Vermilion moved to amend the bill, by adding the following, which was not adopted, viz:

That the sum of twenty thousand dollars be and the same is hereby appropriated, to be expended on the Vincennes and Chicago State road."

Mr. Jarrott moved to amend the bill, by striking out "\$10,000," the amount allowed to be retained by the commissioner, and inserting "\$5,000."

Mr. Cunningham called for a division of the question.

The question was then taken on striking out, and decided in the negative, by yeas and nays, as follow, upon the call of Messrs. Jarrott and Read, viz:

Those who voted in the affirmative, are,

Messrs. Calhoun, Carpenter, Copland, Daley, Edwards, Green of Greene, Hardin, Henry, Holmes, Jarrott, Johnson, Marshall, Menard, Morgan, Pace, Read, Roman, George Smith, and Stapp—19.

Those who voted in the negative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Brown, Churchill, Cloud, Craig, Crain, Cunningham, Dubois, Edmonston, Elkin, Elliott, Emmerson, Fisk, Foster, Gilham, Gouge. Green of Clay, Hankins, Happy, Harris, Henderson, Houston, Huey, Hull, Kent, Kercheval, Kerr, Logan, McCormick, McCutchen, McMillan,



McWilliams, Maus, Moore, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Philips, Rawalt, Roberts, Robinson, Smith of Wabash, R. Smith, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Vermilion, Wood, and Zimmerman—54.

Mr. Thornton moved the previous question; which was sustained.

The question was then put—"Shall the bill pass as amended?"

And decided in the affirmative, by yeas and nays, as follow, upon the call of Messrs. McMillan and Roman, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Archer, Bainbridge, Brown, Churchill, Craig, Crain, Cunningham, Dubois, Edmonston, Elkin, Emmerson, Fisk, Foster, Gouge, Green of Clay, Hankins, Harris, Henderson, Huey, Kent, Kercheval, Lincoln, Logan, McCutchen, Marshall, Moore, Murphy of Cook, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Philips, Roberts, Robinson, Smith of Wabash, G. Smith, R. Smith, Thomas of McLean, Thornton, Williams, Wood, Zimmerman, and Mr. Speaker—44.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Calhoun, Carpenter, Cloud, Copland, Daley, Edwards, Elliott, Gilham, Green of Greene, Happy, Hardin, Henry, Holmes, Houston, Hull, Jarrott, Johnson, Kerr, McMillan, McWilliams, Menard, Morgan, Pace, Rawalt, Read, Roman, Stapp, Thomas of St. Clair, and Walker of Vermilion—32.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk inform the Senate thereof, and ask their concurrence in the amendments of the House to said bill.

On motion of Mr. Thornton,

The vote taken on the passage of the bill for "An act providing for revising and reprinting the laws of this State," was reconsidered.

On motion of Mr. Calhoun,

The bill was amended, by adding the following, viz:

"*Provided*, That the said company shall extend the said road from Springfield to Carlinville, in Macoupin county, and shall not be permitted under this act to extend the road so as to come in competition with the State work from Carlinville to Alton."

The bill was then passed.

On motion of Mr. Robert Smith,

The title was amended so as to read. "An act extending the time to the Springfield and Alton Turnpike Road Company to complete said road."

*Ordered*, That the title of the bill be as amended, that the Clerk carry said bill to the Senate, and ask their concurrence therein.

The engrossed bill, entitled "An act to amend 'An act to establish and maintain a general system of internal improvements,'" was read the third time, and passed.

On motion of Mr. Smith of Wabash,

The title of the bill was amended so as to read, "An act concerning certain school funds in Wabash county."

*Ordered*, That the title of the bill be as amended, that the Clerk carry said bill to the Senate, and ask their concurrence therein.

The engrossed bill, entitled "An act to provide for the compensation of witnesses in civil cases," was read the third time.

On the question—"Shall the bill pass?"

It was decided in the negative.

The bill from the Senate, entitled "An act to encourage the culture of silk," was twice read, and,

On motion of Mr. Allen of Greene,

Referred to the committee on Agriculture and Manufactures.

The engrossed bill, entitled "An act to improve a certain road therein named," was read the third time, and passed.

On motion of Mr. Stapp,

The title of the bill was amended so as to read, "An act for the relief of Henry county."

*Ordered*, That the title of the bill be as amended, that the Clerk carry said bill to the Senate, and ask their concurrence therein.

The engrossed bill for "An act concerning the transcribing certain records," was read the third time, and passed.

On motion of Mr. Marshall,

The title of the bill was amended so as to read, "An act to repeal 'An act concerning the State road from Vienna to Equality.'"

*Ordered*, That the title of the bill be as amended, that the Clerk carry said bill to the Senate, and ask their concurrence therein.

Mr. Green of Clay, from the select committee to which was referred the bill for "An act for the improvement of the Little Wabash river, and for other purposes," reported the same with amendments; which were read and concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

On motion of Mr. Moore,

The bill some days since laid on the table, entitled "An act to incorporate the First Independent Congregational Society of Princeton," was taken up, and,

On motion of Mr. Elkin,

Indefinitely postponed.

The bills from the Senate, entitled "An act to incorporate the town of Rushville;" and "An act to incorporate the New Greenfield Hotel Company, in Greene county," were severally twice read, and referred to the committee on the Judiciary.

The amendments of the Senate to the bill from the House of Representatives, entitled "An act to incorporate the Warsaw Marine and Fire Insurance Company," were taken up, read, and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The Senate bill, entitled "An act to locate a State road from Charleston to James Keller's, on the Springfield trace," was twice read, and,

On motion of Mr. Cunningham,

Referred to a select committee.

*Ordered*, That Messrs. Cunningham, Dawson, and Gouge, be that committee.

The Senate bill, entitled "An act relating to common schools in the city of Chicago," was taken up, and twice read.

On motion of Mr. Naper,

The rules were dispensed with, and the bill read a third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the passage thereof.

The Senate bill, entitled "An act to incorporate the Exeter Manufacturing Company," was twice read, and,

On motion of Mr. Henry,

Referred to the committee on the Judiciary.

The Senate bill, entitled "An act to amend 'An act to incorporate the Wabash and Indiana Railroad Company,'" was twice read, and,

On motion of Mr. Smith of Wabash,

Referred to the committee on Internal Improvements.

The Senate bill, entitled "An act to vacate the town plats of the town of Caledonia, and the first addition to the town of Rome, in the county of Peoria," was twice read; and,

On motion of Mr. Compher,

The rules were dispensed with, and the bill read a third time, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate of the passage of said bill.

The Senate bill, entitled "An act supplemental to 'An act to incorporate the Quincy, Griggsville, Jacksonville and Springfield Turnpike Company,' approved March 1, 1837," was twice read, and

*Ordered* to a third reading.

On motion, the rules were dispensed with, and the bill read a third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

The Senate bill, entitled "An act to review and relocate a part of the State road between Shelbyville, in Shelby county, and Palestine, in Crawford county," was read the first time, and,

On motion of Mr. Thornton,

Laid on the table.

The Senate bill, entitled "An act to incorporate the Quincy House Company," was twice read, and

*Ordered* to a third reading.

The Senate bill, entitled "An act to authorize the county commissioners' court of Sangamon county to furnish the recorder's office of said county with desks, tables, &c." was taken up, and,

On motion of Mr. Dawson,

Laid on the table.

The Senate bill, entitled "An act in relation to the penitentiary," was twice read, and,

On motion of Mr. Robert Smith,

Referred to the committee on the Penitentiary.

A message from the Council of Revision, by Mr. McLean, their Secretary:

*Mr. Speaker*: The Council of Revision have had under consideration "An act regulating evidence in certain cases," and return the same as

improper to become a law, because of the ambiguity existing in the first section of the act. It declares that, in the actions to which this section relates, "the names and description of the plaintiffs shall be presumed to have been correctly set forth in the writ or summons." This phraseology is so extremely loose, that, in the opinion of the Council, it would be extremely difficult for a court to decide in what cases it might not apply, however gross the omissions or misdescriptions might be. Indeed, it is extremely difficult to imagine to what particular cases the provision is intended to apply, and, for that cause, is deemed exceptionable. The great want of the necessary certainty, which should characterize legislative acts, is so apparent that they cannot but believe the ground of objection will be concurred in and removed. To avoid looseness and irregularities in legal proceedings, the particular defect intended to be legalized should be specified with certainty; otherwise the difficulty intended to be remedied may be increased, and the objection intended to be obviated only increased.

THOMAS CARLIN,  
SAMUEL D. LOCKWOOD,  
THEO'S W. SMITH,  
THO. C. BROWNE.

And he withdrew.

On motion of Mr. Elkin,

The foregoing message, together with the bill for "An act regulating evidence in certain cases," was afterwards taken up.

On motion of Mr. Williams,

The bill was amended, by striking out the first section, and inserting, in lieu thereof, the following:

"SEC. 1. In trials of actions upon contracts, express or implied, where the action is brought by partners, or by joint payees or obligees, it shall not be necessary for the plaintiff, in order to maintain any such action, to prove the names of the copartners, or the christian names of such joint payees or obligees; but the names of such copartners, joint payees or obligees, shall be presumed to be truly set forth in the declaration or petition: *Provided*, That nothing herein contained shall prevent the defendant in any such action from pleading, in abatement as heretofore, or of proving on the trial, either that more persons ought to have been plaintiffs, or that more persons have been made plaintiffs, than have a legal right to sue."

The bill, as amended, was then repassed.

*Ordered*, That the title be as aforesaid, that the Clerk carry said bill to the Senate, together with the objections of the Council of Revision, and ask the concurrence of the Senate in the repassage thereof, as amended.

A message from the Council of Revision, by Mr. McLean, their Secretary:

*Mr. Speaker*: The Council of Revision have had under consideration "An act to authorize the Governor to appoint bank directors," and return the same to the House of Representatives as improper to become a law of this State, because, by the "Act to increase the capital stock of certain banks, and to provide means to pay the interest on a loan authorized by an act, entitled 'An act to establish and maintain a general

system of internal improvements,' passed March 4, 1837;" and the acceptance by the State Bank, and the Bank of Illinois at Shawneetown, of the terms proposed in the said act—the act and all its provisions became a contract with said banks respectively. The alteration contained in the bill under consideration, in the mode of appointing directors to these institutions without the consent of the banks, is consequently a violation of their chartered rights, and of the constitution of the United States. The Council readily concede that the proposed alteration in the mode of appointing directors would be a highly beneficial improvement; yet, without the consent of the banks concerned, the Council believe the Legislature have no power to make the alteration.

THOMAS CARLIN,  
WILLIAM WILSON,  
SAM'L D. LOCKWOOD,  
THOMAS C. BROWNE.

On motion of Mr. Smith of Wabash,

The bill, with the objections of the Council, was referred to the committee on the Judiciary.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have passed a bill of the following title, viz: "An act to amend an act, entitled 'An act establishing and regulating the inspection of tobacco in this State,' approved January 12, 1829;" in the passage of which bill they ask the concurrence of the House of Representatives.

The bill from the Senate, entitled "An act for the benefit of Vesta Adaline Martin," was read the first time, and

*Ordered* to a second reading.

Mr. Stapp moved to dispense with the rule, and take up the bill, some days since laid on the table, for "An act to increase the capital stock of the Bank of Illinois, and to provide means to pay the interest on a loan or loans authorized by an act, entitled 'An act to establish and maintain a general system of internal improvements;'" which was not agreed to.

The Senate bill, entitled "An act changing the place of depositing the public money," was twice read; and, on motion,

The rules were dispensed with, and the bill read a third time by its title, and passed.

*Ordered,* That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the passage thereof.

The Senate bill, entitled "An act to incorporate the Galena Chamber of Commerce," was twice read, and

*Ordered* to a third reading.

On motion, the rules were dispensed with, and the bill read a third time by its title, and passed.

*Ordered,* That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the passage thereof.

Mr. Hardin, from the committee on the Judiciary, to which was referred the bill for "An act to authorize the Governor to appoint bank directors," together with the objections of the Council of Revision

thereto, reported the same and a substitute therefor; which was read and concurred in. The bill, as amended, was then repassed.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk carry the same to the Senate, together with the objections of the Council of Revision thereto, and ask the concurrence of the Senate in the repassage of the bill, as amended.

A message from the Senate by Mr. Hacker, a Senator:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that the Senate have concurred with them in their amendments to the Senate bill for "An act further to amend the act, entitled 'An act to establish and maintain a general system of internal improvements.'" And then he withdrew.

The Senate bill, entitled "An act fixing the salary of the Governor and requiring him to reside at the seat of Government," was twice read, and

*Ordered* to a third reading.

On motion of Mr. Dawson,

The rules were dispensed with, and the bill read a third time by the title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate of the concurrence of the House in the passage thereof.

On motion of Mr. Pace,

The rules were dispensed with, and leave given him to introduce a report from a committee.

Mr. Pace, from the committee on Manufactures and Agriculture, to which was referred a bill for "An act to create the Silk-growing and Manufacturing Company," reported the same with an amendment; which was read and concurred in, and the bill

*Ordered* to be engrossed for a third reading.

The Senate bill, entitled "An act to incorporate the Springfield Academy, in the county of Sangamon," was twice read, and,

On motion of Mr. McCormick,

Referred to a select committee.

*Ordered*, That Messrs. McCormick, Harris, and Holmes, be that committee.

The Senate bill, entitled "An act to establish a justice's district in township 7 north, range 7 east, in Peoria county," was twice read, and

*Ordered* to a third reading.

On motion of Mr. Compher,

The rules were dispensed with, and the bill read a third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the passage thereof.

The Senate bill, entitled "An act to incorporate the Shawneetown and New Haven Railroad Company," was twice read, and,

On motion of Mr. Moore,

Referred to the committee on Internal Improvements.

The amendments of the Senate to the bill from the House of Representatives, entitled "An act to locate and establish certain State roads in Peoria and Knox counties," were taken up, read, and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Churchill, from the committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles, viz:

"An act to amend the act, entitled 'An act to provide for changing the venue in civil and criminal cases,' approved January 23, 1827;"

"An act to authorize John A. McClanahan, William James, George F. Stolle and Frederick Reeman, to build a mill-dam in Fayette county;"

"An act to provide for the dedication of lots, in towns situated on canal lands, to public purposes;"

"An act to amend 'An act to incorporate the Quincy, Griggsville, Jacksonville, and Springfield Turnpike Company;"

"An act to authorize the Board of Public Works to survey and construct the continuation of certain railroads within the State of Indiana;"

"An act for the relief of the town of Greenville;"

"An act to amend the recorded plat of the town of Athens;"

"An act to revive and amend an act, entitled 'An act to incorporate the town of Caledonia;"

"An act to authorize Samuel Hillon and Sylvanus Mason to build a mill-dam across Big Muddy river;"

"An act to locate a State road from Griggsville, in Pike county, to the Mississippi river;"

"An act supplemental to 'An act to establish the counties of Menard, Logan, and Dane;"

"An act to incorporate agricultural societies;"

"An act to establish a State road in Franklin and Union counties;" and

"An act to authorize the commissioners of Crawford county to appoint persons to locate a certain State road therein named."

And then the House adjourned.

#### THURSDAY, FEBRUARY 28, 1839.

House met pursuant to adjournment.

Mr. Elkin, from the committee on Engrossed Bills, reported, as correctly engrossed, a bill for "An act for the relief of Ezekiel Lane, Matthew K. Martin, and David Martin."

Mr. Fisk, from the committee on the Judiciary, to which were referred sundry petitions for divorces, made a report unfavorable thereto, and proposed for adoption the following resolution, viz:

*Resolved*, That it is unwise, injudicious, and improper, for this Legislature to grant divorces in any case that may be presented.

The resolution was adopted.

Mr. Fisk, from the committee on the Judiciary, to which was referred the bill for "An act to authorize Elizabeth Middleton to keep a ferry across the Kaskaskia river, in section 16, in township 1 south, range 5 west, and for other purposes," reported the same, and recommended its rejection: when,

On motion of Mr. Huey,

It was referred to the committee on Claims.

Mr. Moore, from the committee on Internal Improvements, to which was referred a bill for "An act to amend an act, entitled 'An act to establish and maintain a general system of internal improvements,' approved 27th February, 1837," reported the same with an amendment; which was read and concurred in, and the bill

*Ordered* to be engrossed for a third reading.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* The Senate have concurred with the House of Representatives in their amendments to the bill from the Senate of the following title, viz: "An act to incorporate the Kaskaskia Insurance Company."

They have also concurred with the committee of conference appointed to confer on the disagreeing vote of the two Houses on the amendments of the Senate to the bill from the House of Representatives for "An act for the formation of Lake county."

They have also concurred with the House in the passage of the bill, entitled "An act to dispose of the territory lying west of the Illinois river, in the county of Putnam, and for other purposes," as amended by them.

They amend the title of said bill so as to make it read, "An act for the formation of the county of Stark, and for other purposes;" in which amendments to said bill and title they ask the concurrence of the House of Representatives. And then he withdrew.

A message from the Council of Revision, by Mr. McLean, their Secretary:

*Mr. Speaker:* The Council of Revision have approved acts of the following titles, viz:

"An act to incorporate the Fairfield Institute;"

"An act to construct bridges across the Kaskaskia and Embarrass rivers, at or near the points where the Springfield trace crosses said streams, and for other purposes;"

"An act to create the county of Lee from the county of Ogle;"

"An act to incorporate the Chicago Lyceum;"

"An act to relocate a part of a State road from Mount Vernon to Nashville;" and

"An act to authorize a relocation of a State road therein named." And then he withdrew.

Mr. Allen of Greene, from the committee on State Roads, to which was referred the bill for "An act to amend an act, entitled 'An act concerning public roads,' approved February 23, 1835," reported the same with an amendment; which was read and concurred in, and the bill

*Ordered* to be engrossed for a third reading.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* The Senate have concurred with the House of Representatives in their amendments to the Senate bill of the following title, viz: "An act for the formation of De Witt county."

They have passed a bill of the following title, viz: "An act to incorporate the Fulton Turnpike Road Company."

In the passage of which bill they ask the concurrence of the House of Representatives.

The Senate have concurred with them in the passage of bills, entitled "An act to change the times of holding courts in the third judicial circuit in this State;"



"An act to incorporate the town of Lacon, in Marshall county;"

"An act to incorporate the Kankakee Manufacturing Company;" and

"An act making appropriations for the years 1839 and 1840," as amended by them.

In which amendments to said several bills they ask the concurrence of the House of Representatives. And then he withdrew.

Mr. Robert Smith, from the committee on the Penitentiary, to which was referred the bill for "An act further defining the duties of Inspectors and Warden of the Penitentiary, and for other purposes," reported the same with a substitute providing that the "Act in relation to garnishees," approved 12th February, 1839, should not take effect until the 1st January, 1841; which was read.

Mr. Hardin moved to amend the amendment, by striking out "1st January, 1841," and inserting "1st October, 1839."

Mr. Carpenter called for a division of the question.

The question was then taken on striking out, and agreed to.

Mr. Walker moved to insert the "1st of April, 1840;" which was agreed to, by yeas and nays, as follow, upon the call of Messrs. Churchill and Craig, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Franklin, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copland, Craig, Crain, Daley, Dawson, Dunn, Edmondston, Elkin, Elliott, Fisk, Foster, Gouge, Harris, Henderson, Huey, Hull, Kent, Kercheval, McCormick, Maus, Moore, Murphy of Cook, Naper, Otwell, Philips, Read, Robinson, Roman, Smith of Wabash, Geo. Smith, Robert Smith, Stapp, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—44.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Greene, Archer, Bainbridge, Cunningham, Dubois, Edwards, Emmerson, Gilham, Green of Greene, Hankins, Hardin, Henry, Holmes, Houston, Jarrott, Johnston, Jones, Kerr, Lincoln, Logan, McCutchen, McMillan, McWilliams, Marshall, Menard, Morgan, Murphy of Vermilion, Pace, Rawalt, Roberts, Thomas of McLean, Thomas of St. Clair, and Williams—34.

The amendment of the select committee, as amended, was then concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

A message from the Council of Revision, by Mr. McLean, their Secretary, was received and read, and is as follows, viz:

The Council of Revision have had under consideration a bill, entitled "An act to establish the county of Hardin," and return the same as improper to become a law, because it authorizes the sale of the public square in the town of Golconda. This ground having been dedicated to public use, every lot-holder in the town of Golconda has an interest in it, which cannot be divested, without their consent, by any act of the Legislature.

WM. WILSON,

THEO. W. SMITH,

THOS. C. BROWNE,

S. D. LOCKWOOD.

Mr. Jarrott, from the committee on Engrossed Bills, reported, as correctly engrossed, a bill, entitled "An act to amend an act, entitled 'An

act to establish and maintain a general system of internal improvements,' approved 27th February, 1837."

Mr. Fisk, from the committee on the Judiciary, to which was referred the Senate bill, entitled "An act to incorporate the New Greenfield Hotel Company, in Greene county," reported the same without amendment, and it was

*Ordered to third reading.*

On motion of Mr. Allen of Greene,

It was read a third time, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the passage thereof.

Mr. Hardin, from the committee on the Judiciary, to which was referred the Senate bill, entitled "An act to incorporate the Exeter Manufacturing Company," reported the same without amendment, and it was

*Ordered to a third reading.*

On motion of Mr. Roman,

It was read a third time, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the passage thereof.

Mr. McCutchen, from the committee on the Judiciary, to which was referred the Senate bill, entitled "An act concerning deeds executed without the State," reported the same without amendment, and recommended its rejection.

The question was put—"Shall the bill be ordered to a third reading?"

And decided in the negative.

Mr. Pace, from the committee on Manufactures and Agriculture, to which was referred the Senate bill, entitled "An act to encourage the culture of silk," reported the same without amendment, and it was

*Ordered to a third reading.*

On motion of Mr. Pace,

It was read a third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the passage thereof.

Mr. Cunningham, from the select committee to which was referred the Senate bill, entitled "An act to locate a State road from Charleston to James Kellier's, on the Springfield trace," reported the same with an amendment; which was read and concurred in, and the bill

*Ordered to a third reading.*

On motion of Mr. Elkin,

It was read a third time, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the passage thereof.

Mr. McCormick, from the select committee to which was referred the Senate bill, entitled "An act to incorporate the Springfield Academy, in Sangamon county," reported the same without amendment, and it was

*Ordered to a third reading.*

On his motion, the bill was read a third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the passage thereof.

Mr. Maus, from the select committee to which was referred the bill for "An act to incorporate the Tazewell County Commercial

and Fire Insurance Company," reported the same without amendment, and it was

*Ordered* to be engrossed for a third reading.

Mr. Craig, from the select committee to which was referred the bill for "An act for the encouragement and promotion of education," reported the same with an amendment; which was read and concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred the bill from the Senate, entitled "An act to amend an act to incorporate the Wabash and Indiana Railroad Company," reported the same with an amendment; which was read and concurred in.

The bill was then

*Ordered* to a third reading, as amended.

On motion of Mr. Smith of Wabash,

The rule of the House was dispensed with, and the bill read a third time by its title, and passed as amended.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk inform the Senate thereof, and ask their concurrence in the amendments of the House to said bill.

On motion of Mr. Williams,

The bill for "An act to increase the capital stock of the Bank of Illinois, and to provide means to pay the interest on a loan or loans authorized by an act, entitled 'An act to establish and maintain a general system of internal improvements,'" was taken up.

The question pending thereon when it was laid on the table, being on Mr. Thornton's motion to amend the amendments of the committee on Finance, again coming up for consideration,

Mr. Thornton withdrew the amendment.

On his motion, the following amendment to the amendments of the committee was adopted.

"SEC. 9. Whenever the stock, authorized by the sixth section of this act to be sold on account of the Bank to individuals, will command its par value, or above, it shall be the duty of the Governor to cause such stock to be sold, payable in six equal bi-monthly instalments. And, whenever the whole of said stock shall have been sold, one hundred thousand dollars of any excess realized by sales above the par value of said stock, shall be forthwith paid into the State treasury, by the said bank, as a bonus for the privilege of extending its capital; and the said bank shall pay into the State treasury, on the first day of January, one half of one per cent. on the amount of capital stock actually paid in by individuals, in lieu of all taxes and impositions whatsoever."

On motion of Mr. Hardin,

The bill was amended, by adding, after the word "instalments," the following: "As shall and may be paid on the stock herein authorized to be called by the Bank of Illinois, and not in any other instalments, or faster than such stock shall be paid in."

On motion of Mr. Stapp,

The following proviso was added to the 7th section, viz:

"*Provided*, That the said bank shall not be be compelled to establish a branch of said bank in any judicial circuit in this State in which they have already established a branch."

The amendments of the committee on Finance, as amended, were then concurred in.

Mr. Rawalt moved to add, at the end of the 7th section, the following, viz:

"Three of which shall be established north of the Illinois river;" which was not agreed to.

Mr. Stapp moved the previous question; which was sustained.

The question was then put—"Shall the bill be engrossed for a third reading?"

And decided in the negative, by yeas and nays, as follow, upon the call of Messrs. Murphy of Cook, and Dunn, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Archer, Bainbridge, Craig, Dunn, Edmonston, Edwards, Elkin, Elliott, Emmerson, Harris, Henderson, Huey Hull, Jones, Kent, Kercheval, Lincoln, Logan, McCutchen, Marshall, Maus, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Philips, Smith of Wabash, George Smith, Stapp, Thomas of McLean, Thornton, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—36.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Brown, Calhoun, Carpenter, Cloud, Compher, Copland, Crain, Daley, Dawson, Dubois, Foster, Gilham, Gouge, Green of Greene, Hankins, Happy, Hardin, Henry, Holmes, Houston, Jarrott, Johnson, Kerr, McWilliams, Menard, Moore, Morgan, Murphy of Cook, Pace, Rawalt, Read, Roberts, Robinson, Roman, Robert Smith, and Williams—39.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred the bill from the Senate, entitled "An act to incorporate the Shawncetown and New Haven Railroad Company," reported the same without amendment.

The bill was then

*Ordered* to a third reading.

On motion of Mr. Marshall,

The rule of the House was dispensed with, and the bill read a third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. Murphy of Cook reported, as correctly enrolled, bills, entitled

"An act to vacate the town plat of East Lockport;"

"An act to incorporate the Hamilton Seminary;"

"An act to authorize St. Clair county to establish a ferry across the Mississippi river;"

"An act to establish the county of Williamson;"

"An act to amend an act regulating the mode of trying the right of property;"

"An act declaring the Des Plaines river a navigable stream;"

"An act to relocate part of a State road from Mount Vernon to Fairfield;"

"An act to incorporate the Commerce Hotel Company;"

"An act to incorporate the Warsaw Marine and Fire Insurance Company;"

"An act to incorporate the Fulton County Mutual Fire Insurance Company;" and

"An act making an appropriation for the improvement of the navigation of the Embarrass river;"

Mr. Henry, from the select committee to which was referred the bill for "An act for the relief of Joseph L. Reynolds," reported the same with an amendment; which was read and concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

The question pending some days since when the House adjourned, being on the report of the select committee to the bill from the Senate, entitled "An act to authorize the county commissioners of the county of Winnebago to sell certain lots," coming up for consideration,

On motion of Mr. McCormick,

The whole were referred to a select committee.

*Ordered*, That Messrs. M'Cormick, Kent, and Walker of Vermilion, be that committee.

Mr. Fisk, from the committee on the Judiciary, to which was referred the bill for "An act to divorce and change the name of Louisiana Stephenson," reported the same with an amendment; which was read and concurred in, and the bill

*Ordered* to be engrossed for a third reading.

Mr. Churchill, from the select committee to which was referred the bill for "An act fixing the times of holding courts in the 6th judicial circuit," reported the same with an amendment; which was read and not concurred in.

Mr. Dubois moved to refer it to a select committee.

Mr. Zimmerman moved to lay it on the table until the 4th day of July next; which was not agreed to.

The bill was then referred to a select committee.

*Ordered*, That Messrs. Dubois, Dunn, and Harris, be that committee.

Mr. Moore, from the committee on Counties, to which were referred certain petitions, made the following report; which was read and concurred in, viz:

The committee on Counties, to which were referred the petitions of sundry citizens of the counties of Coles, Clark, and Jasper, praying the formation of a new county, report that they have had the same under consideration, and find one hundred and ten names attached to the petitions praying for the formation of said county; they also find from the returns for the election of Governor and Lieutenant Governor, at the last August election, that the aforesaid counties gave an aggregate of 1713 votes. Your committee have no evidence before them, that notice has been given, in any of the above named counties, of the intention of the petitioners. For this reason, together with the small number of petitioners, compared with the number of votes given in the said counties, your committee are of opinion that the prayer of the petitioners ought not to be granted. They therefore ask to be discharged from the further consideration of the subject.

The amendments of the Senate to the bill for "An act to incorporate the Mount Carmel Manufacturing Company," were taken up and read.

The question was put—"Will the House concur in the amendments of the Senate?"

And decided in the negative.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Murphy of Cook, from the committee on Enrolled Bills, reported, as correctly enrolled, the bill for "An act to create and establish the county of Jersey;" and further, that the bills, yesterday reported as correctly enrolled, were on the same day laid before the Council of Revision.

The amendments of the Senate to the amendments of the House to the Senate bill, entitled "An act supplemental to the act, entitled 'An act to provide for a loan for canal purposes,'" were taken up, read, and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Fisk, from the committee on the Judiciary, to which was referred the Senate bill, entitled "An act to incorporate the town of Rushville," reported the same without amendment, and it was

*Ordered* to a third reading.

On motion of Mr. McCutchen,

It was read a third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate of the passage thereof.

The message from the Council of Revision, returning the bill for "An act to establish the county of Hardin," was taken up.

On motion of Mr. Read,

The bill was amended in the 4th and 11th lines of section 5, by striking out the words "and public square," in those lines.

The bill was then repassed.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk carry said bill to the Senate, and ask their concurrence in the repassage of the same.

Mr. Crain moved that the vote, on ordering to be engrossed for a third reading the bill for "An act to increase the capital stock of the Bank of Illinois, and to provide means to pay the interest on a loan or loans authorized by an act, entitled "An act to establish and maintain a general system of internal improvements," be reconsidered.

Mr. Murphy of Vermilion moved that the House adjourn until 2 o'clock, P. M., which was not agreed to.

A call of the House being moved and objected to, Messrs. Roman and Murphy of Cook demanded the yeas and nays, and it was determined in the affirmative, as follow:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Archer, Brown, Calhoun, Carpenter, Cloud, Compher, Copland, Craig, Crain, Cunningham, Daley, Dawson, Edwards, Elkin, Fisk, Foster, Gouge, Green of Clay, Green of Greene, Hankins, Hardin, Harris, Henry, Holmes, Houston, Hull, Jarrott, Kent, Kercheval, Kerr, Logan, McCutchen, McMillan, Menard, Moore, Morgan, Murphy of Cook, Pace, Read, Robinson, Roman, Thomas of St. Clair, Walker of Vermilion, and Wood—47.

Those who voted in the negative, are,

Messrs. Aldrich, Elliott, Gilham, Henderson, Huey, Johnson, Jones, Lincoln, McCormick, McWilliams, Marshall, Maus, Murphy of Perry, Murphy of Cook, Naper, Otwell, Philips, Rawalt, Roberts, G. Smith of Madison, Stapp, Thomas of McLean, Williams, Zimmerman, Mr. Speaker—25.

The call of the House was then commenced; and,

On motion of Mr. Edwards,

The further call was dispensed with, and

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The engrossed bills, entitled "An act to construct a turnpike road from Charleston to Darwin;"

"An act to incorporate the Greene County Mutual Fire Insurance Company;" and

"An act for the relief of Ezekiel Lane, Matthew K. Martin, and David Martin;"

Were severally read a third time, and passed.

*Ordered*, That the titles of the bills be as aforesaid, that the Clerk carry said bills to the Senate, and ask their concurrence therein.

The engrossed bill for "An act to amend an act, entitled 'An act to establish and maintain a general system of internal improvements,' approved February 27, 1837," was read the third time, and passed.

On motion of Mr. Smith of Wabash,

The title was amended so as to read, "An act to define the term of office of the Commissioners of Public Works."

*Ordered*, That the title of the bill be as amended, that the Clerk carry said bill to the Senate, and ask their concurrence therein.

The engrossed bill for "An act to create the Silk-growing and Manufacturing Company," was read a third time, and passed.

On motion of Mr. Pace,

The title was amended so as to read, "An act to extend the time for the completion of the Caledonia railroad."

*Ordered*, That the title of the bill be as amended, that the Clerk carry said bill to the Senate, and ask their concurrence in the passage thereof.

The bill from the Senate, entitled "An act to vacate and relocate a part of the State road leading from White's ferry to the Drowning fork of Crooked creek," was read the third time, and passed as amended.

On motion of Mr. Carpenter,

The title was amended so as to read, "An act concerning the town of Moscow."

*Ordered*, That the title of the bill be as amended, that the Clerk inform the Senate thereof, and ask their concurrence in the amendments of the House to said bill and title.

The bill from the Senate, entitled "An act for the benefit of Vesta Adaline Martin," was read the second and third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

The bill from the Senate, entitled "An act to incorporate the Quincy House Company," was read the third time, and,

On motion of Mr. Allen of Greene,

Referred to the committee on the Judiciary.

The Speaker laid before the House a communication from William Kinney, President of the Board of Public Works, in relation to the report made by them to the Legislature; which was read, and laid on the table.

The question pending when the House adjourned this forenoon, being on reconsidering the vote on ordering to be engrossed for a third reading the bill to increase the capital of the Bank of Illinois, was put and decided in the affirmative, by yeas and nays, as follow, upon the call of Messrs. Alexander and Jones, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Archer, Bainbridge, Craig, Cunningham, Dubois, Dunn, Edmonston, Edwards, Elkin, Emmerson, Fisk, Green of Clay, Harris, Henderson, Huey, Hull, Johnson, Kent, Kercheval, Lincoln, Logan, McCormick, McCutchen, Marshall, Menard, Murphy of Perry, Naper, Otwell, Philips, Smith of Wabash, G. Smith of Madison, Stapp, Thomas of McLean, Thornton, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—39.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Greene, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copland, Daley, Dawson, Elliott, Foster, Gilham, Gouge, Green of Greene, Hankins, Happy, Hardin, Henry, Holmes, Houston, Jarrott, Jones, Kerr, McWilliams, Moore, Morgan, Murphy of Cook, Murphy of Vermilion, Pace, Read, Roberts, Robinson, Roman, Thomas of St. Clair—36.

The question was then put—"Shall the bill be engrossed and read the third time?"

And decided in the negative, by yeas and nays, as follow, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Archer, Bainbridge, Craig, Cunningham, Dubois, Dunn, Edmonston, Edwards, Elkin, Fisk, Green of Clay, Harris, Henderson, Huey, Hull, Jones, Kent, Kercheval, Lincoln, Logan, McCormick, McCutchen, Marshall, Maus, Murphy of Perry, Naper, Otwell, Philips, Smith of Wabash, G. Smith of Madison, Stapp, Thomas of McLean, Thornton, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—38.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Greene, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copland, Daley, Dawson, Elliott, Emmerson, Foster, Gilham, Gouge, Green of Greene, Hankins, Happy, Hardin, Henry, Holmes, Houston, Jarrott, Johnson, Kerr, McWilliams, Menard, Moore, Morgan, Murphy of Cook, Murphy of Vermilion, Pace, Read, Roberts, Robinson, Roman, Thomas of St. Clair, and Williams—39.

The Speaker laid before the House the following communication, which was read, viz:



EXECUTIVE DEPARTMENT,  
*Vandalia, Illinois, February 23, 1839.*

To the HON. the SPEAKER

*of the House of Representatives:*

SIR: I have the honor to lay before you a report of the joint committee of the Council and General Assembly of the State of New Jersey on the public lands, and joint resolutions of the Council and General Assembly of said State.

Very respectfully, your obedient servant,  
THOMAS CARLIN.

On motion,

They were laid on the table.

The Speaker laid before the House the report of the Fund Commissioners, showing the condition of the banks in this State; which was read and laid on the table.

The amendments of the Senate to the bill from the House, entitled "An act to define the bounds of Boone county," were read, and the House refused to concur in the same.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: The Senate have concurred with the House of Representatives in the passage of a bill of the following title, viz: "An act to incorporate the Centre Bridge Company at Ottawa," as amended by them; in which amendments they ask the concurrence of the House of Representatives.

They refuse to read a third time the bill from the House of Representatives, entitled "An act to locate a State road from McKinzie's place, in Hamilton county, to Shawneetown, in Gallatin county."

They have concurred with the House of Representatives in their amendments to the bill returned to them by the Council of Revision, entitled "An act to authorize the Governor to appoint bank directors," and have concurred with them in the repassage of said bill as amended.

They have also passed bills of the following titles, viz:

"An act concerning the town of Naples;" and "An act to incorporate the Menard Bridge Company."

In the passage of which bills, they ask the concurrence of the House of Representatives.

The preamble and resolution from the Senate, concerning the Alton and Mount Carmel railroad, were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The bill from the Senate, entitled "An act to relocate a part of the State road leading from Appanoose to the Drowning fork of Crooked creek," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Edmonston,

The rule of the House was dispensed with, and the bill read the second and third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

The bill from the Senate, entitled "An act for the relief of purchasers of canal lots and lands, and for other purposes," was twice read, and,

On motion of Mr. Walker of Vermilion,

Referred to the committee on Canals and Canal Lands.

Mr. Pace moved that the House recede from their amendments to the bill from the Senate, entitled "An act to amend the several laws in relation to appeal bonds and the trial of appeals;" which was not agreed to.

On motion of Mr. Murphy of Vermilion,

A committee of conference was appointed on the disagreeing vote of the two Houses on said bill.

*Ordered*, That Messrs. Murphy of Vermilion, Logan, and Hardin, be the committee on the part of the House, that the Clerk inform the Senate thereof, and ask a committee on their part.

The amendments of the Senate to the bill from the House, entitled "An act making appropriations for the years 1839 and 1840," were read,

Mr. Craig moved to amend the amendments of the Senate, by adding the following, viz:

"To A. E. Ames, the sum of one hundred and fifty dollars for services rendered in the Secretary of State's office at the present session;" which was not adopted.

On motion of Mr. Archer,

The sum of one hundred dollars was allowed to A. E. Ames.

The question was then taken separately on each amendment of the Senate, and all concurred in, except their amendment reducing the pay to the Speakers, and allowing compensation to the members composing the investigating committee.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence in the amendment of the House to their amendments.

Mr. McCutchen, from the committee on the Judiciary, to which was referred the Senate bill, entitled "An act to incorporate the Quincy House Company," reported the same without amendment.

The bill was then

*Ordered* to a third reading.

The bill was then read the third time, and passed.

On the passage of this bill, Messrs. Hankins and Churchill demanded the yeas and nays.

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Greene, Brown, Calhoun, Cloud, Cunningham, Dawson, Edmonston, Edwards, Elkin, Elliott, Fisk, Gilham, Green of Clay, Hardin, Henderson, Henry, Holmes, Houston, Huey, Jarrott, Johnson, Jones, Kent, Kercheval, Kerr, Lincoln, Logan, McCutchen, McWilliams, Menard, Morgan, Murphy of Vermilion, Naper, Otwell, Rawalt, Read, Roberts, Smith of Wabash, R. Smith of Madison, Stapp, Thomas of McLean, Thornton, Williams, and Mr. Speaker—45.

Those who voted in the negative, are,

Messrs. Allen of Franklin, Carpenter, Churchill, Compher, Copland, Crain, Daley, Dubois, Dunn, Emmerson, Foster, Gouge, Green of Greene, Hankins, Happy, Harris, Hull, McCormick, McMillan, Maus, Moore, Murphy of Cook, Murphy of Perry, Pace, Robinson, Thomas of St. Clair, Walker of Vermilion, Wood, and Zimmerman—29.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Servant, a Senator:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have concurred in the passage of a bill for "An act for the relief of John Winstanly and Hugh Duffy," as amended by them. In the passage of which they ask the concurrence of the House of Representatives. And then he withdrew.

Mr. Rawalt, from the select committee to which was referred the bill, entitled "An act to fix the time of holding courts in the fifth judicial circuit, and for other purposes," reported the same with sundry amendments; which were read and concurred in, and the bill

*Ordered* to be engrossed for a third reading.

Mr. Elkin, from the committee on Engrossed Bills, reported, as correctly engrossed, the bill for "An act to establish a State road from Salem to Pinckneyville;" which, on his motion, was taken up, read a third time, and passed.

*Ordered*, That the title of said bill be as aforesaid, that the Clerk carry the same to the Senate, and ask their concurrence therein.

The engrossed bill, entitled "An act for the encouragement and promotion of education," was read a third time, and,

On motion of Mr. Murphy of Vermilion,

Laid on the table.

The engrossed bill, entitled "An act to divorce, and change the name of Louisiana Stephenson," was read a third time, and passed.

On motion of Mr. Archer,

The title was amended, so as to read, "An act concerning the sale of real estate of deceased persons by executors and administrators in settling estates."

*Ordered*, That the title of the bill be as amended, that the Clerk carry said bill to the Senate, and ask their concurrence therein.

Mr. Maus, from the committee on Engrossed Bills, reported, as correctly engrossed, bills, entitled

"An act to incorporate the Tazewell County Commercial and Fire Insurance Company;"

"An act to divorce and change the name of Louisiana Stephenson;"

"An act further defining the duties of Inspectors and Warden of the Penitentiary, and for other purposes;" and

"An act for the encouragement and promotion of education."

On motion of Mr. Murphy of Vermilion,

The following resolution was adopted:

*Resolved, unanimously, by the House of Representatives*, That the thanks of this House be tendered to the Hon. William Lee D. Ewing, for the able and impartial manner in which he has discharged the arduous duties of Speaker of the House of Representatives during the present session.

On motion of Mr. Dawson,

*Resolved by the House of Representatives, the Senate concurring herein*, That this General Assembly shall stand adjourned *sine die*, on Monday, the 4th of March, at 9 o'clock, A. M.

A message from the Senate, by Mr. Owens, their Assistant Secretary:  
*Mr. Speaker:* The Senate have concurred with the House of Representatives in the passage of bills of the following titles, viz:

"An act to incorporate the town of Decatur;"

"An act to amend the law in relation to sheriffs and coroners;"

"An act to incorporate the trustees of the Rushville Female Seminary;"

"An act to relocate part of a State road from Quincy to Macomb;"

"An act to incorporate the Mount Carmel Grimke Literary Association;"

"An act vacating a part of the town of Illinois city, and changing the name of the residue to that of Uniontown;"

"An act to authorize a loan of money;" and

"An act to authorize Narcisse Penconneau to build a bridge over the Kaskaskia river at Athens, in St. Clair county."

They have also concurred with them in their amendments to obviate the objections of the Council of Revision to the bill which passed the two Houses, entitled "An act to establish the county of Hardin;" and have also concurred with them in the repassage of said bill, as amended.

The engrossed bill for "An act further defining the duties of Inspectors and Warden of the Penitentiary, and for other purposes," was read a third time.

The question was put—"Shall the bill pass?"

And decided in the negative, by yeas and nays, on the call of Messrs. Hardin and Rawalt, as follow:

Those who voted in the affirmative, are,

Messrs. Allen of Greene, Archer, Brown, Carpenter, Churchill, Craig, Crain, Daley, Dawson, Edmonston, Elkin, Foster, Harris, Henderson, Huey, Hull, Kent, Kercheval, Kerr, McWilliams, Maus, Moore, Murphy of Perry, Naper, Otwell, Read, Robinson, Roman, Smith of Wabash, George Smith, Robert Smith, Thomas of McLean, Walker of Vermilion, and Zimmerman—34.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Bainbridge, Calhoun, Cloud, Compher, Copland, Cunningham, Dubois, Dunn, Edwards, Elliott, Gilham, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Hardin, Henry, Holmes, Houston, Jarrott, Johnson, Lincoln, Logan, McCutchen, McMillan, Menard, Murphy of Vermilion, Pace, Rawalt, Roberts, Thomas of St. Clair, Thornton, Williams, and Wood—37.

On motion of Mr. Williams,

The foregoing vote was afterwards reconsidered.

Mr. Hardin moved to amend, by striking out the words "first April, 1841," and inserting, "first October, 1839;" which was not agreed to.

Mr. Read moved to amend, by striking out, and inserting, "first January, 1840."

Mr. Murphy of Cook moved to postpone indefinitely the bill and amendments.

The question was put on Mr. Read's motion, and decided in the affirmative.

The question was then put on Mr. Murphy's motion, and decided in the negative.

The question was then put—"Shall the bill pass?"

And decided in the affirmative, by yeas and nays, on the call of Messrs. Dubois and Daley, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Brown, Calhoun, Carpenter, Craig, Crain, Daley, Dawson, Edmonston, Edwards, Elkin, Elliott, Foster, Green of Greene, Happy, Harris, Henderson, Huey, Hull, Jones, Kent, Kercheval, Kerr, Lincoln, Logan, McCutchen, McWilliams, Maus, Moore, Murphy of Perry, Murphy of Vermilion, Naper, Otwell, Read, Roberts, Roman, Smith of Wabash, George Smith, Robert Smith, Stapp, Thomas of McLean, Thornton, Walker of Vermilion, Williams, Zimmerman, and Mr. Speaker—50.

Those who voted in the negative, are,

Messrs. Alexander, Cloud, Compher, Copland, Cunningham, Dubois, Dunn, Gilham, Green of Clay, Hankins, Hardin, Henry, Holmes, Houston, Jarrott, Johnson, McCormick, McMillan, Morgan, Murphy of Cook, Rawalt, Robinson, Thomas of St. Clair, and Wood—24.

On motion of Mr. Robert Smith,

The title was amended so as to read, "An act to amend an act, entitled 'An act in relation to garnishees,' approved February 12, 1839."

*Ordered*, That the title be as amended, that the Clerk carry the same to the Senate, and ask their concurrence therein.

The amendments of the Senate to the bill from the House of Representatives, entitled "An act to dispose of the territory lying west of the Illinois river, in the county of Putnam, and for other purposes;" and also their amendment to the title of said bill, were taken up, read, and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The engrossed bill, entitled "An act to incorporate the Tazewell County Commercial and Fire Insurance Company," was read a third time, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk carry said bill to the Senate, and ask their concurrence therein.

The Senate bill, entitled "An act authorizing a survey therein named," was twice read.

Mr. Crain offered the following amendment; which was adopted:

Strike all out after the enacting clause, and insert, "That the Board of Public Works shall, so soon as convenience will permit, detail a competent engineer to survey a route, commencing at or near the point where the present location of the Central railroad crosses Drury's creek, in Jackson county; thence, via Frankfort, in Franklin county, Mount Vernon, in Jefferson county, and Salem, in Marion county, to a point on the present location of the aforesaid railroad, at or near Vandalia. Said Board shall also detail a competent engineer to survey another route, between the same starting and terminating points, to pass at or near the coal-banks, on Muddy; thence through Pinckneyville, in Perry county, Nashville, in Washington county, and Carlyle, in Clinton county.

"SEC. 2. Said engineers shall make full and complete reports of the survey of said routes, respectively, to the Board of Public Works; who, upon a full examination and comparison of the relative merits of the two

said routes, and the present locations, with a view to the interest of the State; shall determine which of the three shall be the permanent location of the said Central railroad.

"SEC. 3. The provisions of this act shall be carried into effect as speedily as possible; but while the same are in progress, the work on the said Central railroad shall proceed as though this act had never passed."

The bill was then

*Ordered* to a third reading.

On motion, the bill was read a third time, and passed.

*Ordered*, That the title thereof be as aforesaid, and that the Clerk inform the Senate of the passage thereof, as amended, and ask their concurrence in the amendments of the House.

A message from the Council of Revision was received, and read as follows:

The Council of Revision have had under consideration "An act to authorize St. Clair county to establish a ferry across the Mississippi river," and return the same to the House of Representatives, as improper to become a law of this State, because, by the last section of the act, it is provided "that the jury, in their valuation, or assessment, shall not take into consideration any ferry privilege whatever, but be guided by the value of the property appropriated, with regard to the quality of the soil and local situation." The Council are of opinion that this restriction is unusual and may result in great injustice. The Council are also of opinion that an appeal should be allowed to the circuit court from the decision of the jury.

THOMAS CARLIN,  
SAM'L D. LOCKWOOD,  
WILLIAM WILSON.

On motion of Mr. Roman,

The foregoing message and the bill returned therewith were referred to a select committee.

*Ordered*, That Messrs. Roman, Williams, and Hardin, be that committee.

The Senate bill, entitled "An act to alter a certain road in Fayette county," was twice read, and

*Ordered* to a third reading.

On motion, it was read a third time, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Hackelton, a Senator:

*Mr. Speaker*: I am directed to inform the House of Representatives that the Senate have passed bills of the following titles, viz:

An act to incorporate the Golconda Seminary;" and

"An act supplementary to 'An act concerning the public revenue.'"

In the passage of which bills they ask the concurrence of the House.

The Senate bill, entitled "An act authorizing the settlement of the accounts of James Turney, late Attorney General," was twice read.

On motion of Mr. Marshall,

It was amended, by adding the following section:

"SEC. 2. That the directors of the Bank of Illinois, at Shawneetown,

be and they are hereby allowed to establish two additional branches of said institution, in any county or counties in this State: *Provided*, The bank shall agree to accept this amendment of its charter."

The bill was then read a third time, and passed.

On his further motion,

The bill was amended, by adding the words, "and for establishing two additional branches of the Bank of Illinois."

*Ordered*, That the title of the bill be as amended, that the Clerk carry the same to the Senate, and ask their concurrence in the amendments of the House of Representatives to the said bill and the title thereof.

The Senate bill, entitled "An act defining and regulating proceedings in the action of ejectment," was read twice, and,

On motion of Mr. Williams,

Referred to the committee on the Judiciary.

The Senate bill, entitled "An act supplementary to 'An act concerning the public revenue,'" was twice read, and

*Ordered* to a third reading.

On motion of Mr. Elkin,

It was read a third time, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the passage thereof.

Mr. Aldrich moved that the House adjourn; which was not agreed to.

When, on motion of Mr. Craig,

The House adjourned until 7 o'clock, P. M.

#### SEVEN O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Roman, from the select committee, to which was referred the bill, entitled "An act to authorize St. Clair county to establish a ferry across the Mississippi river," together with the objections of the Council of Revision thereto, reported the same with sundry amendments; which were read and concurred in; and the bill, as amended, was repassed.

*Ordered*, That the title be as aforesaid, and that the Clerk carry the bill to the Senate, together with the objections of the Council of Revision thereto, and ask their concurrence in the amendments of the House of Representatives.

The amendments of the Senate to the bill from the House of Representatives for "An act making the office of school commissioner elective by the people," were taken up and read.

Mr. Craig moved to refer them to the committee on the Judiciary; which was not agreed to.

Mr. Aldrich moved to lay them on the table. The question was taken thereon, by yeas and nays, on the call of Messrs. Walker of Vermilion, and Maus, and decided in the negative, as follows:

Those who voted in the affirmative, are,

Messrs. Aldrich, Craig, Dawson, Gilham, Gouge, Hardin, Henderson, Henry, Holmes, Jarrott, Kercheval, Kerr, McCutchen, Marshall, Menard, Otwell, Pace, Philips, George Smith, Stapp, Thornton, Williams, and Zimmerman—23.

Those who voted in the negative, are,  
Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Calhoun, Carpenter, Churchill, Cloud, Compher, Copland, Crain, Cunningham, Daley, Dubois, Dunn, Edmonston, Edwards, Elkin, Elliott, Emmerson, Fisk, Foster, Green of Clay, Green of Greene, Harris, Houston, Huey, Hull, Johnson, Jones, Kent, McCormick, McMillan, McWilliams, Maus, Moore, Morgan, Murphy of Vermilion, Rawalt, Read, Roberts, Robinson, Roman, Robert Smith, Thomas of McLean, Thomas of St. Clair, Walker of Vermilion, and Wood—49.

The amendments of the Senate were then concurred in.

*Ordered*, That the clerk inform the Senate thereof.

A message from the Council of Revision, by Mr. McLean, their Secretary:

*Mr. Speaker*: The Council of Revision have approved acts of the following titles:

"An act to revive and amend an act, entitled 'An act to incorporate the town of Caledonia;'"

"An act to authorize Samuel Hillon and Sylvanus Mason to build a mill-dam across Big Muddy river;"

"An act to locate a State road from Griggsville, in Pike county, to the Mississippi river;"

"An act to authorize the Board of Public Works to survey and construct the continuation of certain railroads within the State of Indiana;"

"An act supplemental to an act to establish the counties of Menard, Logan, and Dane;"

"An act for the relief of the town of Greenville;"

"An act to incorporate agricultural societies;"

"An act to establish a State road in Franklin and Union counties;"

"An act to amend an act to incorporate the Quincy, Griggsville, Jacksonville, and Springfield Turnpike Company;"

"An act to amend the act, entitled 'An act to provide for changing the venue in civil and criminal cases,' approved 23d January, 1827;"

"An act to incorporate the Commerce Hotel Company;"

"An act to authorize the commissioners of Crawford county to appoint persons to locate a certain State road therein named;"

"An act to incorporate the Warsaw Marine and Fire Insurance Company;"

"An act to vacate the town plat of East Lockport;"

"An act to amend an act regulating the mode of trying the right of property;"

"An act to establish the county of Williamson;"

"An act making an appropriation for the improvement of the navigation of the Embarrass river;"

"An act declaring the Des Plaines river a navigable stream;"

"An act to create and establish the county of Jersey;"

"An act of incorporation of the Fulton County Mutual Fire Insurance Company;"

"An act to incorporate the Hamilton Seminary;" and

"An act to relocate part of the State road from Mount Vernon to Fairfield."



Mr. Maus, from the committee on Enrossed Bills, reported, as correctly engrossed, bills of the following titles, viz:

"An act to amend the act relative to criminal jurisprudence;" and

"An act for the improvement of the Little Wabash river, and for other purposes."

A message from the Senate, by Mr. Peck, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House that they have receded from their 2d and 10th amendments to the bill from the House for "An act making appropriations for the years 1839 and 1840," and have agreed to the amendment of the House to the amendment of the Senate to said bill.

And then he withdrew.

Mr Dawson, from the select committee to which was referred the bill for "An act to define the duties of investigating committees," reported the same with sundry amendments; which were read and concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

The amendments of the Senate to the bill from the House of Representatives for "An act to amend the several acts concerning administrators and apprentices," were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The Senate bill, entitled "An act supplemental to the act incorporating the Beardstown and Sangamon Canal Company," was twice read.

On motion of Mr. George Smith,

It was amended, by striking out "12 per cent.," and inserting "8 per cent." in lieu thereof, in the 10th and 11th lines of the 2d section.

On motion of Mr. McCormick,

It was then referred to a select committee.

*Ordered*, That Messrs. McCormick, Holmes, and Happy, be that committee.

The amendments of the Senate to the bill from the House of Representatives for "An act to add range one to the counties of Marshall and Putnam," and to the title thereof, were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

And then the House adjourned.

## FRIDAY, MARCH 1, 1839.

House met pursuant to adjournment.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* The Senate have concurred with the House of Representatives in the passage of bills of the following titles, viz:

"An act for the benefit of Jefferson county;"

"An act to locate a State road from Bloomington to Lexington, in McLean county;" and

"An act to establish the Mississippi Ferry Company at Savannah, and for other purposes."

They refuse to pass the bill from the House of Representatives, entitled "An act for the relief of James Brooks and others."

They have concurred with them in the passage of a bill for "An act to incorporate the Warren County Male and Female Seminary."

And he withdrew.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* The Senate have concurred with the House of Representatives in the passage of bills of the following titles, viz:

"An act to authorize Joshua Vandruff to establish a ferry across Rock river, at Vandruff's island;"

"An act to locate and establish, and alter, change, and relocate State roads;" and

"An act to incorporate the town of Shelbyville," as amended by them; in which amendments to said bills they ask the concurrence of the House of Representatives.

And then he withdrew.

Mr. Murphy of Cook, from the committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles, to wit:

"An act to incorporate the trustees of the Rushville Female Seminary;"

"An act to relocate part of a State road from Quincy to Macomb;"

"An act to relocate the seat of justice of Livingston county;"

"An act to amend the law in relation to sheriffs and coroners;"

"An act to authorize a loan of money;"

"An act vacating a part of the town of Illinois city, and changing the name of the residue to that of Uniontown;"

"An act to provide for securing to, mechanics and others, liens for the value of labor and materials;"

"An act to authorize Narcisse Penconneau to build a bridge over the Kaskaskia river, at Athens, in St. Clair county;"

"An act to incorporate the Mount Carmel Grimke Literary Association;"

"An act to incorporate the Galena Chamber of Commerce;"

"An act to establish certain State roads in Peoria and Knox counties;"

"An act further to amend the act, entitled 'An act to establish and maintain a general system of internal improvements;'"

"An act for the formation of Lake county;"

"An act relating to common schools in the city of Chicago;"

"An act for the formation of De Witt county;"

"An act to incorporate the Springfield Academy, in the county of Sangamon;"

"An act to incorporate the town of Rushville;"

"An act to incorporate the New Greenfield Hotel Company, in Greene county;" and

"An act to incorporate the Kaskaskia Insurance Company;"

Mr. Roman, from the committee on Engrossed Bills, reported, as correctly engrossed, bills, entitled

"An act to fix the time of holding courts in the fifth judicial circuit, and for other purposes," and

"An act for the relief of Joseph L. Reynolds."

Mr. Elkin, from the same committee, reported, as correctly engrossed, the bill, entitled "An act to define the duties of investigating committees."

A message from the Senate, by Mr. Servant, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of a bill for "An act to incorporate the northern division of the American bottom."

And then he withdrew.

Mr. Moore, from the committee on Counties, to which was referred a remonstrance from sundry citizens of the county of Kane, against the division of said county, reported the same, and asked to be discharged from the further consideration thereof; which was granted.

Mr. Fisk, from the committee on the Judiciary, to which was referred the bill for "An act for the benefit of the persons therein named," reported the same, and recommended its rejection.

The question was put—"Shall the bill be engrossed for a third reading?"

And decided in the negative.

Mr. Churchill, from the committee on Enrolled Bills, reported, as correctly enrolled, the bill for "An act making appropriations for the years 1839 and 1840."

He afterwards reported that he this day laid before the Council the last named bill.

A message from the Senate, by Mr. Thomas, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have passed a bill, entitled "An act defining the duties of the public binder or binders;" in the passage of which they ask the concurrence of the House.

And then he withdrew.

Mr. McCormick, from the select committee to which was referred the bill from the Senate, entitled "An act to authorize the county commissioners of the county of Winnebago to sell certain lots," with the amendments of the committee on Counties as amended by a select committee, reported the same, and recommended a concurrence in the amendments of the select committee.

On motion of Mr. Craig,

The amendments of the select committee to the amendments of the committee on Counties were laid on the table.

On motion of Mr. Kent,

The amendments of the committee on Counties were amended, by adding the following, viz: Add after the word "place" in first line of third section, the words, "after the first election as hereinafter provided."

"SEC. 5. If the county seat of said county shall be moved from the town of Winnebago, the county commissioners of said county, shall reconvey to N. Bolvin all the land or lots heretofore conveyed by him to the county of Winnebago."

Mr. Marshall moved the previous question; which was sustained.

The question was then taken on concurring in the amendments of the committee on Counties, as amended by the House, and agreed to.

The bill was then

Ordered to a third reading, as amended.

On motion of Mr. Craig,

The rule of the House was dispensed with, and the bill read a third time by its title, and passed, as amended.

Mr. Craig moved to amend the title so as to read, "An act to relocate the county seat of Winnebago county."

*Ordered*, That the title be as amended, that the Clerk inform the Senate thereof, and ask their concurrence in the amendments of the House to said bill and title.

Mr. Hardin, from the committee on the Judiciary, to which was referred the bill from the Senate for "An act defining and regulating proceedings in the action of ejectment," reported the same without amendment.

The bill was then

*Ordered* to a third reading.

On motion of Mr. Hardin,

The rule of the House was dispensed with, the bill read a third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

On motion of Mr. Maus,

Leave was given him to withdraw the petitions for a division of Tazewell county.

Mr. Marshall, from the select committee to which was referred the bill for "An act for the relief of Charles Mick," reported the same with an amendment; which was read: when,

On motion of Mr. Elkin,

The bill was laid on the table.

The amendments of the Senate to the bill and title for "An act to incorporate the Fox River Manufacturing Company, and for other purposes," were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The amendments of the Senate to the bills for "An act to revive an act, entitled 'An act to incorporate the stockholders of the Randolph Manufacturing Company,' approved January 16, 1836;"

"An act to incorporate the town of Hennepin;"

"An act to incorporate the Illinois Insurance Company;"

"An act to locate a State Road from the dividing line between the counties of Vermilion and Iroquois, at the point where the Butterfield trace crosses said line;" and

"An act to incorporate the Genesee Manual Labor High School," were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The bill from the Senate, entitled "An act to amend the several laws in relation to practice in courts of law," was twice read.

On motion of Mr. Elkin,

The bill was amended, by adding the following, viz:

"SEC. The sheriff of Sangamon county shall hereafter attend upon the Supreme Court in the same way that the sheriff of Fayette county has been heretofore required to do."

On motion of Mr. Pace,

The bill was further amended, by adding the following, viz:

"SEC. That Thomas C. Kirkman and Allen McPhail, justices of the peace, be each allowed the sum of five dollars for administering the oath required by law to the members of the General Assembly; also, to said

Kirkman, the sum of twelve dollars for two days' services, as assistant Clerk of the House of Representatives."

Mr. Carpenter moved to strike out the third section of the bill; which was not agreed to.

The bill was then

*Ordered* to a third reading; and,

The rule of the House was dispensed with, and the bill read the third time as amended, and passed.

Mr. Pace moved to amend the title, by adding, "and for the benefit of A. McPhail and T. C. Kirkman;" which was agreed to.

*Ordered*, That the title of the bill be as amended, that the Clerk inform the Senate thereof, and ask their concurrence in the amendment of the House to said bill and title.

Mr. Dubois, from the select committee to which was referred the bill for "An act fixing the time for holding courts in the sixth judicial circuit," reported the same with sundry amendments; which were read and concurred in, and the bill

*Ordered* to be engrossed for a third reading.

On motion of Mr. Murphy of Vermilion,

The bill for "An act for the promotion and encouragement of education," was taken up, and passed.

On motion of Mr. Craig,

The title thereof was amended, so as to read, "An act fixing the northern termination of the Central railroad.

*Ordered*, That the title be as amended, and that the Clerk carry said bill to the Senate, and ask their concurrence in the passage thereof.

Mr. McWilliams, from the select committee to which was referred a petition of sundry citizens of Griggsville, praying for an appropriation on a turnpike road therein mentioned, reported the same, and asked to be discharged from the further consideration thereof; which was granted.

The amendments of the Senate to the bill from the House of Representatives for "An act authorizing the improvement of the Big Muddy river," were taken up, and read.

Mr. Carpenter moved to amend the amendment of the Senate, by adding thereto the following:

"That the further sum of fifteen thousand dollars is hereby appropriated for the construction of a clay turnpike road from McLeansborough to some suitable point on the Alton and Shawneetown railroad, to be expended under the direction of the Commissioner of Public Works of the third judicial circuit; the said road to be constructed with toll-gates in such manner as the Board of Public Works shall deem most advantageous to the interest of the State."

Mr. Aldrich moved the previous question; which was sustained.

On motion of Mr. Dawson,

The amendment was laid on the table.

Mr. Carpenter moved to lay the bill and amendments on the table, which was not agreed to, by yeas and nays, as follow, upon the call of Messrs. Elliott and Copland, viz:

Those who voted in the affirmative, are,

Messrs. Carpenter, Copland, Daley, Edmonston, Elliott, Fisk, Hankins, Henderson, Houston, Jarrott, Kerr, McWilliams—12.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Franklin, Allen of Greene, Archer, Brown, Churchill, Cloud, Compher, Craig, Crain, Cunningham, Dawson, Elkin, Emmerson, Foster, Green of Clay, Green of Greene, Hardin, Harris, Henry, Holmes, Huey, Hull, Johnson, Kent, Lincoln, Logan, McCutchen, Menard, Moore, Morgan, Murphy of Cook, Murphy of Perry, Otwell, Pace, Philips, Rawalt, Roberts, Robinson, Roman, G. Smith of Madison, Robert Smith of Madison, Thomas of McLean, Thornton, Walker of Vermilion, Williams, Wood, Zimmerman, and Mr. Speaker—49.

The amendments of the Senate were then concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. R. Smith, from the committee on the Penitentiary, to which was referred the Senate bill, entitled "An act in relation to the penitentiary," reported the same without amendment.

On motion of Mr. Dawson,

The 19th section was amended, by striking out the words "or tobacco."

The bill was then

*Ordered* to a third reading.

On motion of Mr. R. Smith,

It was read a third time by its title.

The question was put—"Shall the bill pass?"

And decided in the negative, by yeas and nays, on the call of Messrs. Carpenter and Huey, as follow:

Those who voted in the affirmative, are,

Messrs. Allen of Greene, Archer, Churchill, Craig, Daley, Dawson, Fisk, Foster, Green of Greene, Henderson, Hull, Johnson, Kent, Kercheval, Kerr, Lincoln, Logan, Moore, Murphy of Vermilion, Otwell, Rawalt, Roberts, G. Smith of Madison, R. Smith of Madison, Thomas of McLean, Thornton, Williams, and Mr. Speaker—28.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Brown, Carpenter, Cloud, Compher, Copland, Crain, Dubois, Dunn, Edmonston, Elkin, Elliott, Green of Clay, Hankins, Hardin, Harris, Henry, Holmes, Huey, Jarrott, McWilliams, Marshall, Menard, Morgan, Murphy of Perry, Pace, Robinson, Roman, Thomas of St. Clair, Walker of Vermilion, Wood, and Zimmerman—33.

On motion of Mr. Walker of Vermilion,

The foregoing vote was afterwards reconsidered.

On motion of Mr. Hardin,

The following amendments were adopted:

Strike out the word "ten," in the 4th line of the 21st section, and insert "three," in lieu thereof.

Strike out the proviso to that section, and add the following, in lieu thereof:

"*Provided*, That the penitentiary shall not be leased for a longer term than three years, nor upon any terms which will make the penitentiary a cost to the State."

Strike out, in the 23d section, all from the word "erected" to the word "same," inclusive of the latter word.

The bill, as amended, was then passed.

*Ordered*, That the title thereof be as aforesaid, and that the Clerk carry the same to the Senate, and ask their concurrence in the amendments of the House of Representatives.

Mr. Murphy of Cook, from the committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles, viz:

"An act to establish a justice's district in township seven north, range seven east, in Peoria county;"

"An act to vacate the town plats of the towns of Caledonia, and the first addition to the town of Rome, in the county of Peoria;"

"An act to encourage the culture of silk;"

"An act changing the place of depositing the public money;"

"An act supplemental to the act, entitled 'An act to provide for a loan for canal purposes;'"

"An act fixing the salary of the Governor, and requiring him to reside at the seat of Government;"

"An act supplemental to 'An act to incorporate the Quincy, Griggsville, and Springfield Turnpike Company,' approved March 1, 1837;"

"An act supplementary to an act concerning the public revenue;"

"An act to incorporate the Exeter Manufacturing Company;"

"An act to relocate a part of the State road leading from Appanoose to the Drowning fork of Crooked creek;"

"An act to alter a certain road in Fayette county;"

"An act for the benefit of Vesta Adaline Martin;" and

"An act to incorporate the Quincy House Company."

Mr. Murphy of Cook, from the committee on Enrolled Bills, reported that the bills, on yesterday reported as correctly enrolled, were on the same day laid before the Council of Revision.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that the Senate have concurred with them in the passage of a bill for "An act to construct a turnpike road from Charleston to Darwin." And he withdrew.

The Senate bill, entitled "An act to improve the navigation of Spoon river," was twice read.

Mr. Walker of Vermilion moved to amend, by adding the following section:

"SEC. That the sum of five thousand dollars be and the same is hereby appropriated, out of the internal improvement fund, to be expended under the superintendence of the county commissioners' court of Vermilion county, in opening and improving that part of the Vincennes and Chicago road lying within the county of Vermilion; and the Fund Commissioners are hereby required to pay said sum to said county commissioners." When,

On motion of Mr. Rawalt,

The bill and amendment were referred to the committee on Internal Improvements.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of bills of the following titles, viz: "An act authorizing the county commis-

sioners' court to construct certain roads in Greene county;" and "An act to amend an act, entitled 'An act to incorporate the city of Alton,'" as amended by them; in which amendments to said bills they ask the concurrence of the House of Representatives.

They amend the title of the first mentioned bill, by adding the words, "and for other purposes," and ask the concurrence of the House of Representatives thereto.

They have passed bills of the following titles, viz: "An act further supplementary to the act in relation to internal improvements;" and "An act in relation to the town of Charleston, and other purposes."

In the passage of which bills they ask the concurrence of the House of Representatives." And he withdrew.

And then the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Johnson,

The report and resolutions relative to the continuation of the Cumberland road were taken up.

Mr. Allen of Greene moved to postpone them indefinitely.

The question was taken thereon, by yeas and nays, on the call of Messrs. Johnson and Murphy of Vermilion, as follow:

Those who voted in the affirmative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Bainbridge, Brown, Churchill, Cloud, Compher, Copland, Daley, Dawson, Elkin, Elliott, Green of Greene, Harris, Hull, Kercheval, Kerr, McWilliams, Marshall, Maus, Moore, Otwell, Rawalt, Roberts, Robinson, George Smith, Robert Smith, Thomas of McLean, Thornton, and Walker of Vermilion—31.

Those who voted in the negative, are,

Messrs. Alexander, Archer, Carpenter, Craig, Dubois, Emmerson, Henderson, Henry, Holmes, Houston, Huey, Jarrott, Johnson, Kent, Lincoln, Logan, McCutchen, Murphy of Perry, Murphy of Vermilion, Thomas of St. Clair, Williams, and Mr. Speaker—22.

Mr. Murphy of Cook, from the committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles:

"An act to authorize Daniel F. Hitt to build a mill-dam;"

"An act to incorporate the town of Decatur;"

"An act to authorize the Governor to appoint bank directors;"

"An act to incorporate the northern division of the American bottom;"

"An act to locate and establish certain State roads in Peoria and Knox counties;"

"An act to add range one to the counties of Marshall and Putnam;" and

"An act to establish the county of Hardin."

A message from the Council of Revision, by Mr. McLean, their Secretary:

*Mr. Speaker:* The Council of Revision have approved acts of the following titles, viz:

"An act to incorporate the trustees of the Rushville Female Seminary;"



"An act to authorize Narcisse Penconneau to build a bridge over the Kaskaskia river, at Athens, in St. Clair county;"

"An act for the formation of Lake county;"

"An act to incorporate the Mount Carmel Grimke Literary Association;"

"An act to relocate part of a State road from Quincy to Macomb;"

"An act to relocate the seat of justice of Livingston county;"

"An act to amend the law in relation to sheriffs and coroners;" and

"An act to authorize a loan of money." And he withdrew.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* The Senate have refused to order to a second reading bills from the House of Representatives of the following titles, viz:

"An act for the relief of Enoch Enloe;" and

"An act to incorporate the Illinois Legion."

They have indefinitely postponed the consideration of the bill from the House of Representatives, entitled "An act to authorize the administrator of William C. Ralls, deceased, to convey certain real estate."

They have concurred with the House of Representatives in the passage of bills of the following titles, viz:

"An act authorizing the sale of certain school lands in Vermilion county;"

"An act altering, in part, Archer's addition to Lockport;"

"An act for the relief of John McMennaway, late sheriff of Macon county;"

"An act declaring a certain county road, in McLean county, a State road;"

"An act to amend an act, entitled 'An act to create the county of Bureau;'" and

"An act authorizing sale of property in Hudsonville, and appropriating the avails thereof."

They have also concurred with them in their amendments to obviate the objections of the Council of Revision to the bill for "An act to authorize St. Clair county to establish a ferry across the Mississippi river;" and have also concurred with them in the repassage of said bill, as amended by the House of Representatives. And then he withdrew.

The amendments of the Senate to the bill from the House of Representatives for "An act to vacate certain alleys in the town of Tremont," some time since laid on the table, were taken up, read, and concurred in.

*Ordered,* That the Clerk inform the Senate thereof.

The amendments of the Senate to the bill from the House of Representatives for "An act to incorporate the Centre Bridge Company, at Ottawa," were taken up, read, and concurred in.

*Ordered,* That the Clerk inform the Senate thereof.

A message from the Governor, by A. P. Field, Secretary of State:

*Mr. Speaker:* I am directed by the Governor to lay before the House a written communication. And he withdrew.

A message from the Senate, by Mr. Thomas, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that the Senate have concurred with them in the passage of a bill for "An act to incorporate the Franklin Institute." They

amend the title of said bill, so as to read, "An act to incorporate the Franklin Academy." And he withdrew.

A message from the Senate, by Mr. Peck, a Senator:

*Mr. Speaker:* The Senate have concurred with the House of Representatives in their amendments to the bill for "An act authorizing the settlement of the accounts of James Turney, late Attorney General," as amended by them; in which amendments of the Senate to the amendments of the House of Representatives they ask the concurrence of the House." And he withdrew.

The amendments of the Senate to the bill from the House of Representatives for "An act authorizing the county commissioners' court to construct certain roads in Greene county," were read.

The question was taken separately on concurring with the Senate in their several amendments, and decided in the negative.

*Ordered,* That the Clerk inform the Senate thereof.

The Senate bill, entitled "An act to incorporate the Menard Bridge Company," was twice read, and,

On motion of Mr. Dawson,

Referred to a select committee.

*Ordered,* That Messrs. Dawson, Craig, and George Smith, be that committee.

Mr. Dawson, from the select committee to which was referred the foregoing bill, reported the same without amendment.

The bill was then

*Ordered* to a third reading.

On motion of Mr. Dawson,

The rules were dispensed with, and the bill read a third time by its title, and passed.

*Ordered,* That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

The bill from the Senate, entitled "An act concerning the town of Naples," was twice read, and

*Ordered* to a third reading.

On motion of Mr. Murphy of Vermilion,

The rule of the House was dispensed with, and the bill read the third time by its title.

Mr. Gilham moved to refer the bill to the committee on Internal Improvements; which was not agreed to.

On the question—"Shall the bill pass?"

It was decided in the negative, by yeas and nays, as follow, upon the call of Messrs. Hardin and Gilham, viz:

Those who voted in the affirmative, are,

Messrs. Bainbridge, Brown, Carpenter, Churchill, Copland, Dawson, Dubois, Elkin, Elliott, Emmerson, Green of Greene, Hankins, Harris, Henderson, Henry, Huey, Hull, Johnson, Kercheval, Kerr, McCutchen, Murphy of Vermilion, Otwell, Pace, Robinson, Smith of Wabash, Stapp, Thomas of McLean, and Williams—29.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Archer, Cloud, Craig, Crain, Daley, Edmonston, Foster, Gilham, Green of Clay, Happy, Hardin, Holmes, Houston, Kent, Lincoln, Logan, McCormick,

McWilliams, Moore, Morgan, Murphy of Perry, Read, Roberts, Roman, Robert Smith, Thomas of St. Clair, Thornton, Walker of Vermilion, Zimmerman, and Mr. Speaker—33.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Murphy of Cook, from the committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles, to wit:

“An act making the office of school commissioner elective by the people;”

“An act to amend the several acts concerning administrators and apprentices;” and

“An act to construct a turnpike road from Charleston to Darwin.”

A message from the Senate, by Mr. Hakelton, a Senator:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have receded from their amendments to the bill from the House of Representatives for “An act to incorporate the Mount Carmel Manufacturing Company.” And he withdrew.

Mr. Cloud, from the committee on Canals and Canal Lands, to which was referred the bill from the Senate, entitled “An act for the relief of purchasers of canal lots and lands, and for other purposes,” reported the same with an amendment; which was read, and concurred in, by yeas and nays, as follow, upon the call of Messrs. Allen of Greene and Read, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Carpenter, Churchill, Craig, Daley, Foster, Green of Clay, Green of Greene, Henderson, Henry, Holmes, Huey, Kent, Kercheval, Kerr, Lincoln, Logan, McCormick, McCutchen, Murphy of Perry, Otwell, Rawalt, Roberts, Robinson, Roman, Robert Smith, Thornton, Walker of Vermilion, Williams, and Mr. Speaker—35.

Those who voted in the negative, are,

Messrs. Brown, Compher, Crain, Cunningham, Dawson, Dubois, Dunn, Elkin, Elliott, Emmerson, Fisk, Gilham, Hankins, Hardin, Harris, Hull, Marshall, Maus, Menard, Moore, Murphy of Vermilion, Pace, Philips, Read, George Smith, Thomas of McLean, and Thomas of St. Clair—27.

The bill was then

*Ordered* to a third reading, as amended.

Mr. Daley moved to dispense with the rule of the House, and read the bill the third time by its title; which was not agreed to.

A message from the Senate, by Mr. Thomas, a Senator:

*Mr. Speaker*: I am directed to inform the House of Representatives that the Senate have concurred with them in their amendment to the bill for “An act regulating evidence in certain cases,” adopted by the House to obviate the objections of the Council of Revision to said bill, and have concurred with the House in the repassage of said bill. And then he withdrew.

Mr. McCormick, from the select committee to which was referred the bill from the Senate, entitled “An act supplemental to the act incorporating the Beardstown and Sangamon Canal Company,” reported the same with an amendment, striking out all the bill, and providing for the settlement of [accounts of] the State House Commissioners, &c.

Mr. Dawson moved to lay the amendment on the table; which was agreed to, by yeas and nays, as follow, upon the call of Messrs. McCormick and Wood, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Archer, Bainbridge, Churchill, Craig, Crain, Daley, Dawson, Elkin, Elliott, Emmerson, Fisk, Gilham, Henderson, Houston, Huey, Hull, Johnson, Kent, Kerr, Lincoln, McCutchen, Moore, Otwell, Pace, Philips, Rawalt, Read, Roberts, George Smith, Robert Smith, Thomas of McLean, Thornton, and Walker of Vermilion —35.

Those who voted in the negative, are,

Messrs. Allen of Greene, Brown, Carpenter, Cloud, Compher, Copland, Dunn, Green of Clay, Green of Greene, Hankins, Hardin, Harris, Henry, Holmes, Logan, McCormick, McWilliams, Maus, Murphy of Perry, Stapp, Thomas of St. Clair, Williams, Wood, Zimmerman, and Mr. Speaker—25.

On motion of Mr. McCormick,

The bill was amended, by adding, at the end of the second section, the following, viz:

*“Provided, That if said canal shall not be commenced by the first of January, 1841, the State shall have full right to the navigation of the Sangamon river.”*

On motion of Mr. Johnson,

The bill was amended, by adding: “So much of the above act as relates to loaning money at interest shall also apply to the Vandalia and Alton Turnpike Company; also to the Vandalia and Mississippi Turnpike Company, who shall have all the privileges of loaning money, as well as the Beardstown and Sangamon Canal Company.”

Mr. Maus moved to lay the bill on the table; which was not agreed to.

Mr. Williams moved the previous question; which was sustained.

The bill was then

*Ordered* to a third reading, as amended.

A message from the Senate, by Mr. Hackelton, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have concurred with the House in the passage of bills, entitled

“An act to locate a State road from Nashville to Belleville;”

“An act to vacate certain alleys in the town of Winnebago;”

“An act for the relief of Andrew Cochran and others;”

“An act to amend an act, entitled ‘An act to encourage the killing of wolves,’ approved February 15, 1837;”

“An act authorizing the county commissioners’ court of Madison county to levy and collect a special tax;”

“An act to define the term of office of the Commissioners of Public Works;”

“An act to establish a State road in Alexander county;”

“An act to locate the seat of justice of the county of De Kalb;”

“An act to locate and establish a State road in the counties of Kane and De Kalb;”

“An act to incorporate the Bainbridge Academy, in Franklin county;”

“An act to locate a State road in McLean and Tazewell counties;” and

"An act to establish a State road therein named." And he withdrew.

Mr. Churchill, from the committee on Enrolled Bills, reported, as correctly enrolled, a bill for "An act to revive an act, entitled 'An act to incorporate the stockholders of the Randolph Manufacturing Company,' approved January 16, 1836."

The Speaker laid before the House the communication received this evening from the Governor, which was read, and is as follows, viz:

EXECUTIVE DEPARTMENT,  
Vandalia, Illinois, March 1, 1839.

*To the House of Representatives of the State of Illinois:*

GENTLEMEN: I have the honor herewith to transmit to you joint resolutions of the General Assembly of the State of Indiana upon the subject of connecting the Erie and Michigan canal with the Branch canal contemplated to be constructed in the State of Illinois.

Very respectfully,

Your obedient servant,

THOMAS CARLIN.

On motion of Mr. Dawson,

The letter and accompanying documents were laid on the table.

The amendments of the Senate to the bill from the House of Representatives, entitled "An act to locate and establish, and alter, change, and relocate State roads," were taken up, read, and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The engrossed bill, entitled "An act to amend the act relative to criminal jurisprudence," was read a third time, and passed.

On motion of Mr. Carpenter,

The title was amended, so as to read, "An act to authorize Hardin Porter and Eli Gholson to build a mill-dam, and for other purposes."

*Ordered*, That the title be as amended, that the Clerk carry said bill to the Senate, and ask their concurrence therein.

The engrossed bill for "An act to fix the time for holding courts in the fifth judicial circuit, and for other purposes," was read a third time, and passed.

On motion of Mr. McWilliams,

The title was amended, so as to read, "An act supplemental to an act, entitled 'An act to provide for certain improvements in Pike county.'"

*Ordered*, That the title be as amended, and that the Clerk carry said bill to the Senate, and ask their concurrence therein.

The engrossed bill, entitled "An act to define the duties of investigating committees," was read a third time, and passed.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk carry the same to the Senate, and ask their concurrence therein.

The engrossed bills, entitled "An act, for the relief of Joseph L. Reynolds;" and "An act for the improvement of the Little Wabash river, and for other purposes," were severally read the third time, and passed.

*Ordered*, That the titles be as aforesaid, that the Clerk carry the same to the Senate, and ask their concurrence in the passage thereof.

On motion of Mr. McCormick,

The vote taken a short time before, on the passage of the bill from

the Senate, entitled "An act concerning the town of Naples," was reconsidered.

The question was again put—"Shall the bill pass?"

And decided in the affirmative, by yeas and nays, on the call of Messrs. Gilham and McWilliams, as follow:

Those who voted in the affirmative, are,

Messrs. Archer, Brown, Carpenter, Compber, Copland, Dawson, Du-bois, Dunn, Elkin, Elliott, Emmerson, Green of Greene, Hankins, Henderson, Henry, Holmes, Huey, Hull, Johnson, Logan, McCormick, McCutchen, Menard, Murphy of Vermilion, Otwell, Pace, Philips, Rawalt, Robinson, George Smith, Stapp, Thomas of McLean, Walker of Vermilion, and Williams—34.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Allen of Greene, Churchill, Cloud, Craig, Daley, Foster, Gilham, Green of Clay, Hardin, Harris, Kent, Kercheval, Lincoln, McWilliams, Maus, Moore, Murphy of Perry, Read, Roberts, Roman, Robert Smith, Thomas of St. Clair, Thornton, Wood, Zimmerman, and Mr. Speaker—28.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate of the passage thereof.

Mr. Williams moved to dispense with the rules, and give leave to Mr. Hardin to make a report from a minority of the joint select committee of Investigation; which was not agreed to.

On motion of Mr. Cunningham,

Leave of absence was granted to Mr. McMillan, and,

On motion of Mr. Green of Clay,

To Messrs. Alexander, and Houston.

And then the House adjourned until 7 o'clock, P. M.

#### SEVEN O'CLOCK, P. M.

House met pursuant to adjournment.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* The Senate have concurred with the House of Representatives in the passage of bills of the following titles, viz:

"An act to provide for the relocation of a State road therein named;"

"An act to repeal an act to incorporate town of Upper Alton;"

"An act to establish a State road from Joseph Huey's, in Clinton county, to the northeast corner of Fayette county;"

"An act to establish the Marshal Female Seminary;"

"An act extending the time to the Springfield and Alton Turnpike Road Company to complete said road;"

"An act to authorize the sale of the saline lands in Bond county;" and

"An act to locate a State road from Belleville to Brownsville."

They have indefinitely postponed the consideration of bills from the House of Representatives of the following titles, viz:

"An act to extend the time for the completion of the Caledonia railroad;"

"An act authorizing the appointment of commissioners of deeds;"

"An act to amend an act concerning judgments and executions,' approved January 17, 1825;"

"An act supplementary to 'An act relative to wills and testaments, executors and administrators, and the settlement of estates,' approved January 23, 1829;"

"An act to amend an act concerning special bail;"

"An act to amend an act, entitled 'An act relating to the office of recorder;' and

"An act authorizing the appointment of a commissioner of roads to construct bridges and turnpikes."

They have laid on the table, until the fourth day of July next, the bill from the House of Representatives, entitled "An act to relocate and build the penitentiary."

They have concurred with the House of Representatives in their amendments, to obviate the objections of the Council of Revision, to the bill from the House of Representatives, entitled "An act supplemental to an act, entitled 'An act to amend an act, for the limitation of actions, and for avoiding vexatious law suits;'" and have also concurred with them in the repassage thereof, as amended.

The Senate have concurred in the adoption of the resolution from the House, authorizing and requesting the Governor to procure full length portraits, to be painted by American artists, &c., of George Washington and Marquis De Lafayette, as amended by them.

They amend the same, by striking out the words "Marquis De," and inserting, in lieu thereof, the word "General;" in which amendment they ask the concurrence of the House.

They refuse to concur in the amendment of the House to the bill from the Senate, entitled "An act regulating tavern and grocery license."

And then he withdrew.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* The Senate have concurred with the House of Representatives in the passage of the following entitled bills, viz:

"An act to protect the Cumberland road, and prevent trespasses;"

"An act concerning certain school funds in Wabash county;"

"An act to authorize George W. Brinckerhoof to establish a ferry across Rock river;"

"An act to repeal an act concerning the State road from Vienna to Equality;"

"An act to establish a State road from Jameson's ferry, in Pope county, to Cape Girardeau;" and

"An act to amend an act in relation to religious societies."

And he withdrew.

Mr. Murphy of Cook, from the committee on Enrolled Bills, reported, as correctly enrolled, bills, entitled

"An act to incorporate the Mount Carmel Manufacturing Company;"

"An act to establish the Marshal Female Seminary;"

"An act to establish the Mississippi Ferry Company at Savannah, and for other purposes;"

"An act to incorporate the Warren County Male and Female Seminary;"

"An act to amend an act, entitled 'An act to create the county of Bureau;'"

"An act for the formation of the county of Stark, and for other purposes;"

"An act to authorize St. Clair county to establish a ferry across the Mississippi river;"

"An act altering, in part, Archer's addition to Lockport;"

"An act to locate a State road from Bloomington to Lexington, in McLean county;"

"An act for the relief of John McMennaway, late sheriff of Macon county;"

"An act authorizing the sale of property in Hudsonville, and appropriating the avails thereof;"

"An act authorizing the sale of certain school lands in Vermilion county;"

"An act defining and regulating the proceedings in the action of ejectment;"

"An act to incorporate the Shawneetown and New Haven Railroad Company;"

"An act to locate a State road from Charleston to James Kellers, on the Springfield trace;" and

"An act to amend an act to incorporate the Wabash and Indiana Railroad Company."

A message from the Senate, by Mr. Harrison, a Senator:

*Mr Speaker:* The Senate have concurred with the House in the passage of the bill for "An act for the benefit of the counties therein named," as amended; in which amendments they ask the concurrence of the House." And then he withdrew.

A message from the Senate, by Mr. Hackelton, a Senator:

*Mr. Speaker:* The Senate have directed me to inform the House of Representatives that they refuse to recede from their amendments to the bill from the House of Representatives, entitled "An act authorizing the county commissioners' court to construct certain roads in Greene county," and ask a committee of conference on the disagreeing vote of the two Houses, and have appointed Messrs. Gatewood, Witt, and Hacker, the committee on their part. And then he withdrew.

The amendments of the Senate to the bills from the House, entitled

"An act to incorporate the Kankakee Manufacturing Company;"

"An act to incorporate the Wapello Manufacturing Company;"

"An act to change the times of holding courts in the third judicial circuit in this State;" and

"An act to incorporate the town of Lacon, in Marshall county;"

Were severally read and concurred in.

*Ordered,* That the Clerk inform the Senate thereof.

On motion of Mr. Allen of Greene,

A committee of conference, as requested by the Senate, was appointed on the disagreeing vote of the two Houses on the amendments of the Senate to the bill from the House, entitled "An act authorizing the county commissioners' court to construct certain roads in Greene county."

*Ordered,* That Messrs. Allen of Greene, Marshall, and Thornton, be that committee.

*Ordered,* That the Clerk inform the Senate thereof.



Mr. Logan, from the select committee to which was referred the bill for "An act for the relief of persons therein named," reported the same with an amendment; which was read.

On motion of Mr. Hardin,

The bill and proposed amendment were laid on the table.

The bill from the Senate, entitled "An act fixing the time of holding the Supreme Court and the circuit courts in the first, sixth, seventh, eighth, and ninth circuits," was twice read; and,

On motion of Mr. Lincoln,

The rule of the House was dispensed with, and the bill read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate of the passage thereof.

The bill from the Senate, entitled "An act to authorize the resurvey of the town of Peru, in La Salle county," was twice read; and,

On motion of Mr. Churchill,

The rule of the House was dispensed with, and the bill read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. McCormick moved to reconsider the vote taken yesterday evening on striking out "12 per cent. interest," and inserting "8 per cent. interest," in the bill from the Senate, entitled "An act supplemental to the act incorporating the Beardstown and Sangamon Canal Company;" which was agreed to.

The question was then taken on striking out, and decided in the negative.

The bill was then passed, as amended.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk inform the Senate thereof and ask their concurrence in the amendments of the House to said bill.

The bill from the Senate, entitled "An act for the relief of purchasers of canal lots and lands, and for other purposes," was read, as amended.

On the question—"Shall the bill pass, as amended?"

It was decided in the negative, by yeas and nays, as follow, upon the call of Messrs. Dawson and Marshall, viz:

Those who voted in the affirmative, are,

Messrs. Aldrich, Alexander, Allen of Greene, Churchill, Compher, Craig, Crain, Daley, Gouge, Kent, Kercheval, Logan, McCormick, McCutchen, Murphy of Cook, Murphy of Perry, Roberts, Roman, Robert Smith, Stapp, Thornton, Walker of Vermilion, Williams, Wood, and Mr. Speaker—25.

Those who voted in the negative, are,

Messrs. Allen of Franklin, Brown, Carnenter, Cloud, Copland, Dawson, Dubois, Dunn, Edmonston, Elkin, Elliott, Emmerson, Fisk, Foster, Gilham, Green of Clay, Green of Greene, Hankins, Hardin, Harris, Henderson, Henry, Holmes, Huey, Hull, Jarrott, Johnson, Jones, Kerr, McWilliams, Marshall, Maus, Moore, Murphy of Vermilion, Otwell, Pace, Philips, Rawalt, Read, Robinson, George Smith, Thomas of McLean, and Thomas of St. Clair—44.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Thomas, a Senator:

*Mr. Speaker:* The Senate have agreed to the appointment of a committee of conference on the disagreeing votes of the two Houses on the amendments to the bill from the Senate for "An act concerning appeal bonds and the trial of appeals," and have appointed Messrs. Thomas, Little, and Browning, the committee on the part of the Senate. And then he withdrew.

On motion of Mr. Dawson,

The vote taken on the passage of the bill, as amended, from the Senate, entitled "An act for the relief of purchasers of canal lots and lands, and for other purposes," was reconsidered.

On the further motion of Mr. Dawson,

The vote taken on the adoption of the amendment to said bill was reconsidered.

The question was then put on the adoption of said amendment, and decided in the negative.

Mr. Thornton moved to strike out the compensation made to him in said bill.

Mr. Fisk moved to strike out the compensation allowed to William B. Archer and Gurdon S. Hubbard; which was not agreed to.

The question was then taken on Mr. Thornton's motion, and not agreed to.

On motion of Mr. Cloud,

The bill was amended, by striking out "three dollars," in the third line of the eighth section, and inserting "five dollars," in lieu thereof.

The bill was then passed, as amended.

*Ordered,* That the title thereof be as aforesaid, that the Clerk inform the Senate of the passage of said bill, as amended, and ask the concurrence of the Senate in the amendment of the House of Representatives.

The Senate bill, entitled "An act concerning public roads in Schuyler county," was twice read, and

*Ordered* to a third reading.

Mr. Thornton, from the committee of conference appointed on the disagreeing vote of the two Houses in relation to the amendments of the Senate to the bill for "An act authorizing the commissioners of the county court to construct certain roads in Greene county," made a report, and recommended the concurrence of the House in the amendments of the Senate; which report was not concurred in.

Mr. Cunningham afterwards moved to reconsider the vote on concurring in the report of the committee of conference.

Mr. Marshall moved to lay upon the table the motion to reconsider.

The question was taken thereon, by yeas and nays, on the call of Messrs. Alexander and Murphy of Vermilion, and decided in the negative, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Greene, Bainbridge, Daley, Dunn, Elkin, Fisk, Green of Greene, Henderson, Johnson, Kercheval, Lincoln, Logan, McCormick, McCuthen, McWilliams, Marshall, Moore, Pace, Roberts, Robert Smith, Thomas of McLean, Thornton, Walker of Vermilion, Williams, Woods, and Mr. Speaker—27.

Those who voted in the negative, are,

Messrs. Alexander, Allen of Franklin, Archer, Brown, Carpenter, Churchill, Cloud, Compher, Copland, Craig, Crain, Cunningham, Dawson, Dubois, Elliott, Emmerson, Gilham, Green of Clay, Hankins, Hardin, Harris, Holmes, Houston, Huey, Hull, Jarrott, Kent, Maus, Menard, Murphy of Perry, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Robinson, Roman, George Smith, Thomas of St. Clair, and Zimmerman—40.

Mr. Dubois moved the previous question; which was sustained.

The question recurred on the reconsideration of the vote, and was decided in the affirmative, by yeas and nays, on the call of Messrs. Alexander and Murphy of Vermilion, as follow:

Those who voted in the affirmative, are,

Messrs. Alexander, Brown, Carpenter, Churchill, Cloud, Compher, Copland, Craig, Crain, Cunningham, Dubois, Edmonston, Elkin, Elliott, Emmerson, Foster, Gilham, Green of Clay, Hankins, Harris, Henderson, Henry, Holmes, Houston, Huey, Hull, Jarrott, Kent, McCormick, McWilliams, Maus, Menard, Moore, Murphy of Vermilion, Otwell, Philips, Rawalt, Read, Robinson, Roman, George Smith, and Thomas of St. Clair—42.

Those who voted in the negative, are,

Messrs. Allen of Franklin, Allen of Greene, Archer, Bainbridge, Daley, Dawson, Dunn, Fisk, Green of Greene, Johnson, Kercheval, Lincoln, Logan, McCutchen, Marshall Pace, Roberts, Robert Smith, Thornton, Walker of Vermilion, Williams, Wood, Zimmerman, and Mr. Speaker—24.

The question then recurred on concurring in the report of the committee of conference, and was decided in the negative, by yeas and nays, on the call of Messrs. Alexander and Cunningham, as follow:

Those who voted in the affirmative, are,

Messrs. Allen of Franklin, Allen of Greene, Archer, Bainbridge, Churchill, Craig, Daley, Dunn, Fisk, Gilham, Green of Greene, Hull, Johnson, Kent, Kercheval, Lincoln, Logan, McCormick, McCutchen, Marshall, Pace, Roberts, Robert Smith, Thomas of McLean, Thornton, Walker of Vermilion, Williams, Wood, Zimmerman, and Mr. Speaker—30.

Those who voted in the negative, are,

Messrs. Alexander, Brown, Carpenter, Cloud, Compher, Copland, Crain, Cunningham, Dawson, Dubois, Edmonston, Elkin, Elliott, Emmerson, Foster, Green of Clay, Hankins, Hardin, Harris, Henderson, Henry, Holmes, Houston, Huey, Jarrott, McWilliams, Moore, Murphy of Vermilion, Otwell, Rawalt, Read, Robinson, Roman, George Smith, Thomas of St. Clair—35.

*Ordered*, That the Clerk inform the Senate thereof.

The Senate bill, entitled "An act to provide for settlements with the representatives of deceased contractors upon public works," was twice read.

On motion of Mr. Thornton,

It was amended, by adding the following section:

"SEC. 2. The Board of Commissioners of the Illinois and Michigan canal are hereby invested with discretionary power to pay over to James Brooks, canal contractor, out of the canal fund, any sum of

money, not exceeding three thousand dollars, in full indemnification of the said Brooks for the loss of his property by the lawless and violent proceedings of a late mob on said canal."

On motion of Mr. Dawson,

The bill was read a third time by its title, and passed.

On his further motion,

The title was amended, by adding thereto the words, "and for other purposes."

*Ordered*, That the title of the bill be as amended, that the Clerk inform the Senate of the passage thereof, as amended, and ask the concurrence of the Senate in the amendments of the House of Representatives.

The amendments of the Senate to the bill from the House of Representatives for "An act for the relief of John Winstanly and Hugh Duffy," were taken up, read, and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The Senate bill, entitled "An act to incorporate the Fulton Turnpike Road Company," was twice read, and,

On motion of Mr. Rawalt,

Referred to the committee on the Judiciary.

Mr. Hardin, from the committee of conference appointed on the disagreeing vote of the two Houses in relation to the amendments of the House of Representatives to the Senate bill, entitled "An act to amend the several laws in relation to appeal bonds and the trial of appeals," made a report, recommending that the House recede from its amendments to said bill; which was concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The amendments of the Senate to the bill from the House of Representatives for "An act to amend an act, entitled 'An act to incorporate the city of Alton,'" were taken up, and read.

On motion of Mr. Robert Smith,

The question was taken separately on the first amendment, and the amendment concurred in.

Mr. Robert Smith moved to lay the bill and amendments on the table; which was not agreed to.

The question was then put—"Will the House concur in the other amendments of the Senate?"

And decided in the affirmative, by yeas and nays, on the call of Messrs. Robert Smith and Read, as follow:

Those who voted in the affirmative, are,

Messrs. Allen of Franklin, Archer, Brown, Cloud, Craig, Cunningham, Daley, Dawson, Dubois, Elkin, Elliot, Gilham, Green of Clay, Hankins, Hardin, Henderson, Henry, Holmes, Hull, Jarrott, Kent, McCormick, McCutchen, Marshall, Menard, Otwell, Pace, Philips, Rawalt, Read, George Smith, Thomas of McLean, Thornton, and Williams—33.

Those who voted in the negative, are,

Messrs. Allen of Greene, Carpenter, Compher, Dunn, Fisk, Foster, Green of Greene, Harris, Johnson, Kercheval, Maus, Moore, Roman, Robert Smith, Thomas of St. Clair, Walker of Vermilion, Wood, and Mr. Speaker—18.

*Ordered*, That the Clerk inform the Senate thereof.

The Senate bill, entitled "An act to incorporate the Rock Island Mutual Fire Insurance Company," was twice read, and,

On motion of Mr. Craig,  
Referred to the committee on the Judiciary.  
And then the House adjourned.

SATURDAY, MARCH 2, 1839.

House met pursuant to adjournment.

A message from the Senate, by Mr. Harrison, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have concurred with the House in the passage of bills of the following titles, viz:

"An act fixing the northern termination of the Central railroad;"

"An act to incorporate the Greene County Mutual Insurance Fire Company;"

"An act for the relief of Henry county;"

"An act to establish a State road from Salem to Pinckneyville;"

"An act to incorporate the Tazewell County Commercial and Fire Insurance Company;"

"An act to incorporate the Winslow Bridge Company;"

"An act to incorporate the Montebello Manufacturing Company;" and

"An act to amend an act, entitled 'An act in relation to garnishees,' approved February 12, 1839."

They have receded from their amendments to the bill from the House of Representatives, entitled "An act to define the bounds of Boone county."

They have indefinitely postponed the further consideration of the bill from the House of Representatives, entitled "An act for the relief of Ezekiel Lane, Matthew K. Martin, and David R. Martin."

They have concurred with the House in their amendment to the bills from the Senate, entitled

"An act in relation to the penitentiary;" and

"An act to authorize the county commissioners of the county of Winnebago to sell certain lots," and to the title of the last mentioned bill, as amended by the House of Representatives.

And also in their amendments to the bill from the Senate, entitled "An act to amend the several laws in relation to practice in courts of law," as well as in their amendment to the title of said bill.

And then he withdrew.

Mr. Hardin, from the committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act to incorporate the Fulton Turnpike Road Company," reported the same without amendment.

The bill was then

*Ordered* to a third reading.

On motion of Mr. Rawalt,

The rule of the House was dispensed with, and the bill read the third time by its title, and passed.

*Ordered,* That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. Craig, from the committee on the Judiciary, to which was referred the bill for "An act to incorporate the Rock Island Mutual Fire Insurance Company," reported the same without amendment.

The bill was then

*Ordered* to a third reading; and,

On motion of Mr. Craig,

Read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. Murphy, from the committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles, viz:

"An act to incorporate the town of Hennepin;"

"An act to establish a State road in Alexander county;"

"An act declaring a certain county road, in McLean county, a State road;"

"An act for the benefit of Jefferson county;"

"An act to define the term of office of the Commissioners of Public Works;"

"An act authorizing the improvement of the Big Muddy river;"

"An act to incorporate the Illinois Insurance Company;"

"An act concerning certain School funds in Wabash county;"

"An act to incorporate the Bainbridge Academy, in Franklin county;"

"An act for the relief of John Winstanly and Hugh Duffy;"

"An act to incorporate the Genesee Manual Labor High School;"

"An act authorizing the county commissioners' court of Madison county to levy and collect a special tax;"

"An act in relation to the county of Madison;"

"An act authorizing a survey therein named;"

"An act to authorize the Governor to commission the Sheriff of Schuyler county;" and

"An act concerning the town of Moscow, in Wayne county."

Mr. Dubois, from the committee on Claims, to which was referred the bill for "An act to authorize Elizabeth Middleton to keep a ferry across the Kaskaskia river, on section 16, township 1 south, range 5 west, and for other purposes," reported the same with amendments; which were read and concurred in.

Mr. Crain moved to lay the bill on the table; which was not agreed to.

The bill was then

*Ordered* to be engrossed for a third reading.

The amendments of the Senate to the bill from the House, entitled "An act for the benefit of the counties therein named," were read.

Mr. Dawson moved to amend the amendments of the Senate, by adding the following, viz:

"And that the sum of two thousand dollars be, and is hereby, appropriated to each of the counties of Logan, Menard, and Dane, to be applied by the respective county courts of said counties, for the purposes of building bridges in said counties; one in Menard, over the Sangamon river; one in Logan, over Salt creek; and one in Dane, over the South fork of the Sangamon river; said bridges to be built at such places as said courts may order and direct over the aforesaid named streams; and said sums to be paid by the Fund Commissioners, on the order of the aforesaid courts."

Mr. McWilliams moved the previous question; which was sustained.

The question was then taken on Mr. Dawson's amendment, and not agreed to.

The question was then taken on concurring in the amendment of the Senate, which gives \$2,000 to the county of Scott, and decided in the negative, by yeas and nays, as follow, upon the call of Messrs. Lincoln and Dawson, viz:

Those who voted in the affirmative, are,

Messrs. Brown, Churchill, Cloud, Dubois, Gilham, Hardin, Henry, Holmes, Johnson, Kerr, McWilliams, Smith of Wabash, and Mr. Speaker—13.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Franklin, Allen of Greene, Archer, Bainbridge, Carpenter, Compher, Craig, Crain, Cunningham, Deley, Dawson, Edmonston, Elkin, Elliott, Emmerson, Fisk, Foster, Gouge, Green of Clay, Green of Greene, Hankins, Harris, Henderson, Huey, Hull, Jarrott, Jones, Kent, Lincoln, Logan, McCormick, Marshall, Maus, Menard, Moore, Murphy of Cook, Murphy of Perry, Otwell, Philips, Read, Roberts, Robinson, Roman, George Smith, Robert Smith, Stapp, Thomas of McLean, Walker of Vermilion, Wood, and Zimmerman—51.

*Ordered*, That the Clerk inform the Senate thereof.

The bill from the Senate, entitled "An act to incorporate the Jo Daviess Mining and Smelting Company," was twice read; and,

On motion of Mr. Craig,

The bill was amended, by adding the following, viz:

"That George W. Harrison and such other persons as shall become stockholders pursuant to this section shall be, and they are hereby, appointed a body politic and corporate, by the name and style of "The Buncombe Mining and Smelting Company;" and by that name shall have perpetual succession for twenty years, with the right to sue and be sued, plead and be impleaded; to make and use a common seal, and the same to alter or change at pleasure; to contract and be contracted with in all matters and things relating to their corporate powers or duties, as fully and effectually as a natural person; to purchase, hold, and convey real and personal estate.

"*Sec.* This company or corporation shall have the same amount of capital, perform all the duties, and be governed by all the restrictions and limitations contained in the 2d, 3d, 4th, 5th and 6th sections of this act, so far as they can be made applicable to "The Buncombe Mining and Smelting Company," in the county of Jo Daviess.

The bill was then read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk inform the Senate thereof, and ask their concurrence in the amendments of the House to said bill.

The amendment of the Senate to the title of the bill for "An act to incorporate the Franklin Institute," was read, and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Fisk, from the committee on the Judiciary, to which were referred a certain preamble and resolution relative to officers of the General Government holding seats, &c. reported the same, and asked to be discharged from the further consideration thereof; which was granted.

The amendments of the Senate to the bills from the House of Representatives, entitled "An act to authorize Joshua Vandruff to establish a

ferry across Rock river, at Vandruff's island;" and "An act to incorporate the town of Shelbyville," were severally taken up, read, and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The amendments of the Senate to the bill from the House, entitled "An act to incorporate the Marshal Academy," were read, and not concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The amendments of the Senate to the bill from the House, entitled "An act authorizing the administrators of Henry M. Shaw, deceased, to execute deeds in certain cases, and changing the name of the town of Florence, in White county," were read, and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The amendment of the Senate to the bill from the House, entitled "An act to provide for the probate of wills in certain cases," was read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The amendments of the Senate to the bill from the House, entitled "An act to incorporate the Vandalia and Mississippi Turnpike Company," were read, and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Smith of Wabash, from the committee on Internal Improvements, to which was referred a bill for "An act to incorporate the Santa Fe Railroad Company," reported the same without amendment, and recommended its rejection; which was agreed to.

Mr. Cunningham, from the select committee to which was referred the remonstrance against the change of a road from Wabash river to Shelby county, reported, and was discharged from the further consideration of the same.

On motion of Mr. Dawson,

A committee of conference was appointed on the disagreeing vote of the two Houses on the bill for "An act to amend the act in relation to constables."

*Ordered*, That Messrs. Dawson, Hardin, and Henderson, be that committee.

*Ordered*, That the Clerk inform the Senate thereof, and ask a committee on their part.

The amendment of the Senate to the resolution from the House, requesting the Governor to procure the portraits of George Washington, &c., was read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

On motion of Mr. Dawson,

The bill, as amended by the Senate, entitled "An act to amend an act prescribing the mode of summoning grand and petit jurors, and defining their qualifications and duties," was laid on the table.

A message from the Senate, by Mr. Peck, a Senator:

*Mr. Speaker*: The Senate have concurred with the House in the passage of the bill, entitled "An act to regulate the mode of proceeding on the redemption of real estate sold under execution." And he withdrew.

Another message from the Senate, by Mr. Little, a Senator:

*Mr. Speaker*: I am directed to inform the House of Representatives



that the Senate have concurred with them in the passage of bills, entitled "An act to incorporate the Vandalia and Mississippi Turnpike Company;" and

"An act concerning the sale of real estate of deceased persons by executors and administrators, in settling estates," as amended by them; in which amendments they ask the concurrence of the House of Representatives.

And he withdrew.

The bill from the Senate, entitled "An act defining the duties of the public binder or binders," was three times read, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

The amendment of the Senate to the amendment of the House to the bill for "An act authorizing the settlement of the accounts of James Turney, late Attorney General," was read, and not agreed to.

*Ordered*, That the Clerk inform the Senate thereof.

On motion,

The House receded from all their amendments to the Senate bill, entitled "An act regulating tavern and grocery license," except the one striking out "one gallon" and inserting "one quart."

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Thornton from the committee on Internal Improvements, to which was referred the bill from the Senate, entitled "An act to improve the navigation of Spoon river," reported the same with an amendment; which was read and concurred in.

Mr. Jarrott moved to amend the bill, by adding: "And all other rivers and creeks in the State;" which was not agreed to.

Mr. Stapp moved to amend the bill, by adding: "That the sum of two thousand dollars be, and the same is hereby appropriated to the improvement of Henderson river;" which was rejected.

On the question—"Shall the bill be read a third time as amended?"

It was decided in the affirmative, by yeas and nays, as follow, upon the call of Messrs. Roman and Stapp, viz:

Those who voted in the affirmative, are,

Messrs. Allen of Franklin, Allen of Greene, Archer, Brown, Churchill, Compher, Craig, Cunningham, Dawson, Edmonston, Elkin, Elliott, Foster, Green of Clay, Green of Greene, Hankins, Henderson, Hucy, Kent, Kercheval, Lincoln, Logan, McCutchen, Moore, Murphy of Cook, Murphy of Perry, Rawalt, Roberts, Robinson, Smith of Wabash, Thomas of McLean, Thornton, Walker of Vermilion, Williams, Zimmerman, and Mr. Speaker—36.

Those who voted in the negative, are,

Messrs. Bainbridge, Carpenter, Crain, Daley, Dunn, Emmerson, Fisk, Gilham, Happy, Hardin, Harris, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Marshall, Maus, Otwell, Pace, Read, Roman, Geo. Smith, Stapp, and Thomas of St. Clair—26.

Mr. Rawalt moved that the bill be now read the third time; which was not agreed to.

A message from the Senate, by Mr. Servant, a Senator:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have passed a bill for "An act to regulate the com-

penutation of sheriffs for conveying convicts to the penitentiary;" in the passage of which they ask the concurrence of the House of Representatives. And then he withdrew.

A message from the Senate, by Mr. Little, a Senator:

*Mr. Speaker:* I am directed to inform the House of Representatives that the Senate have refused to concur with them in their amendments to the bill, entitled "An act to amend an act, entitled 'An act to amend the several acts in relation to common schools.'" "

The Senate have refused to order to a third reading the bill from the House of Representatives, entitled "An act to amend act, entitled 'An act concerning sheriffs and coroners,' approved February 12, 1837."

They have laid on the table, until the 4th day of July next, "An act to incorporate the Aux Plaines Steam Mill Company,"

And then he withdrew.

A message from the Senate, by Mr. Harrison, a Senator:

*Mr. Speaker:* I am directed to inform the House of Representatives that the Senate have refused to recede from their amendments to the bill from the House of Representatives, entitled "An act for the benefit of the counties therein named," and ask a committee of conference on the disagreeing vote of the two Houses, and have appointed Messrs. Weatherford, Harrison, and Ross, the committee on their part.

And then he withdrew.

On motion of Mr. Craig,

The foregoing message was afterwards taken up, and a committee of conference appointed.

*Ordered,* That Messrs. Craig, Hardin, and Smith of Wabash, be that committee.

*Ordered,* That the Clerk inform the Senate thereof.

The amendments of the Senate to the bill from the House of Representatives for "An act concerning the sale of real estate of deceased persons, by executors and administrators in settling estates," were taken up, read, and concurred in.

*Ordered,* That the Clerk inform the Senate thereof.

The Senate bills, entitled

"An act for the relief of William Hick and Timothy Guard;"

"An act further supplementary to the act in relation to internal improvement;"

"An act to amend the act concerning marriages;"

"An act for a State road from Shelbyville, in Shelby county, to Hillsboro, in Montgomery county;"

"An act to provide for the increase of facilities in procuring laborers on the public works;" and

"An act in relation to the town of Charleston, and for other purposes,"

Were severally three times read, and passed.

On motion of Mr. Cunningham,

The title of the last named bill was amended, by striking out the words "and for other purposes."

*Ordered,* That the titles of the said bills be as aforesaid, that the Clerk inform the Senate of the passage thereof, and ask their concurrence in the amendment of the House of Representatives to the title of the last named bill.

The Senate bill, entitled "An act to provide for the distribution of certain funds heretofore appropriated to certain counties for purposes of internal improvement," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Thornton,

The resolutions of the General Assembly of the State of Indiana, transmitted by the Governor to this House on yesterday, were taken up, and referred to the committee on Internal Improvements.

Mr. Murphy of Cook, from the committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles, viz:

"An act to locate and establish a State road in the counties of Kane and Ke Kalb;"

"An act to relocate the seat of justice of the county of De Kalb;"

"An act to locate a State road from Nashville to Belleville;"

"An act extending the time to the Springfield and Alton Turnpike Road Company to complete said road;"

"An act to establish a State road therein named;"

"An act to define the bounds of Boone county;"

"An act to vacate certain alleys in the town of Winnebago;"

"An act to repeal an act, entitled 'An act to incorporate the town of Upper Alton;'"

"An act for the relief of Henry county;"

"An act to locate a State road in McLean and Tazewell counties;" and also,

Joint resolutions in relation to the easterly division of the Peoria and Warsaw railroad.

The Senate bill, entitled "An act concerning the town of Vandalia," twice read, and,

On motion of Mr. Hankins,

Laid on the table till the 4th day of July.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Peck, a Senator:

*Mr. Speaker*: The Senate have passed a bill of the following title, viz: "An act to authorize the reprinting of certain laws of this State."

In the passage of which they ask the concurrence of the House of Representatives. And then he withdrew.

The Senate bill, entitled "An act relating to the duties of county commissioners," was twice read.

On motion of Mr. Dawson,

It was amended, by adding the following section:

"SEC. 2. The Secretary of State be and he is hereby required to sell, to the highest and best bidder, all the public wood now on hand, and pay the proceeds over to the trustees of the town of Vandalia, to be expended under the directions of said trustees to improve said town, reserving a sufficiency of said wood for the use of the public offices."

On his further motion, the bill was read a third time, as amended, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk carry said bill to the Senate, and ask their concurrence in the amendments of the House of Representatives.

The Senate bill, entitled "An act to regulate the compensation of sheriffs for conveying convicts to the penitentiary," was twice read, and *Ordered* to a third reading.

Mr. Carpenter moved to amend, by striking out "30 cents per mile," in the second section, and inserting "20 cents per mile;" not agreed to.

The bill was then read the third time, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate of the passage of said bill.

The Senate bill, entitled "An act describing the mode of expending a part of the money arising from the sale of saline land which was appropriated to Marion county," was twice read, and

*Ordered* to a third reading.

On motion of Mr. Pace,

It was read a third time, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate of the passage of the bill.

And then the House adjourned until 2 o'clock, P. M.

#### TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The bill for "An act to improve the navigation of Spoon river," was read the third time.

On the question—"Shall the bill pass, as amended?"

It was decided in the affirmative, by yeas and nays, as follow, upon the call of Messrs. Carpenter and Read, viz:

Those who voted in the affirmative, are,

Messrs. Allen of Greene, Archer, Brown, Churchill, Compher, Craig, Dawson, Edmonston, Elkin, Elliott, Foster, Gilham, Green of Clay, Green of Greene, Hankins, Henderson, Huey, Kent, Kercheval, Lincoln, Logan, McCormick, McWilliams, Moore, Murphy of Cook, Murphy of Vermilion, Rawalt, Roberts, Robinson, Roman, Smith of Wabash, Robert Smith, Thomas of McLean, Thornton, Walker of Vermilion, Wood, Zimmerman, and Mr. Speaker—38.

Those who voted in the negative, are,

Messrs. Aldrich, Allen of Franklin, Carpenter, Cloud, Dubois, Daley, Dunn, Fisk, Happy, Hardin, Harris, Henry, Holmes, Hull, Jarrott, Johnson, Jones, Kerr, Menard, Otwell, Pace, Read, George Smith, Thomas of St. Clair, and Williams—25.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk inform the Senate thereof, and ask their concurrence therein.

The bill from the Senate, "entitled "An act to authorize the reprinting of certain laws of this State," was twice read.

On motion of Mr. Murphy of Vermilion,

The bill was amended, by adding the following, viz: "And that the acts of incorporation passed at the present session be printed separately, and not bound, and that only five hundred copies of said acts be printed for distribution among the several counties in this State."

Upon the adoption of the foregoing amendment, Messrs. Hankins and Robinson demanded the yeas and nays.

Those who voted in the affirmative, are,

Messrs. Allen of Franklin, Allen of Greene, Archer, Brown, Carpenter, Cloud, Compher, Craig, Dawson, Dubois, Dunn, Elkin, Elliott, Emerson, Fisk, Gilham, Green of Clay, Green of Greene, Happy, Hardin, Henderson, Henry, Holmes, Huey, Hull, Jarrott, Johnson, Jones, Kent, Kerr, Lincoln, McCormick, McWilliams, Menard, Moore, Murphy of Cook, Murphy of Vermilion, Otwell, Pace, Philips, Rawalt, Read, Roberts, Roman, George Smith, Robert Smith, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Vermilion, and Williams—48.

Those who voted in the negative, are,

Messrs. Churchill, Daley, Foster, Hankins, Harris, Kercheval, Robinson, Smith of Wabash, Wood, and Mr. Speaker—10.

The bill was then

*Ordered* to a third reading, and passed, as amended.

*Ordered*, That the title of the bill be as aforesaid, that the Clerk inform the Senate thereof, and ask their concurrence in the amendment of the House to said bill.

On motion of Mr. Aldrich,

*Resolved by the House of Representatives*, (the Senate concurring herein,) That the Secretary of State is hereby authorized to strike out the words "fifty-fifth," and insert the words "forty-fifth," in the 12th section of "An act to incorporate the Des Moines Rapids Railroad Company," approved February 19, 1839, the words "fifty-fifth" being a clerical mistake.

*Ordered*, That the Clerk carry said resolution to the Senate, and ask their concurrence in the adoption of the same.

The amendment of the Senate to the bill from the House, entitled "An act for the relief of the clerks of the circuit courts of Sangamon, Clinton, Fayette, and Franklin counties," was read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Williams, from the committee on Finance, to which was referred the communication of the President of the Board of Public Works in relation to the agent appointed to purchase iron, &c., reported the same, and asked to be discharged from the further consideration of said subject; which was granted.

Mr. Craig, from the committee of conference appointed on the disagreeing vote of the two Houses on a bill, entitled "An act for the benefit of the counties therein named," reported that the committee had had the same under consideration, and recommended that the House recede from its vote of non-concurrence in the amendment made to the said bill by the Senate.

The question was put—"Will the House concur in the report of the committee of conference?"

And decided in the affirmative, by yeas and nays, on the call of Messrs. Daley, and Dunn as follow:

Those who voted in the affirmative, are,

Messrs. Allen of Greene, Archer, Churchill, Cloud, Craig, Gilham, Green of Greene, Hankins, Happy, Hardin, Henderson, Henry, Holmes, Huey, Jarrott, Johnson, Kent, Kerr, Lincoln, Logan, McWilliams, Moore, Murphy of Cook, Philips, Rawalt, Robinson, Smith of Wabash, Robert Smith, Thomas of McLean, Thornton, Walker of Vermilion, Williams, Zimmerman, and Mr. Speaker—35.

Those who voted in the negative, are,

Messrs. Allen of Franklin, Carpenter, Compner, Daley, Dawson, Du-bois, Dunn, Edmonston, Elkin, Elliott, Emmerson, Fisk, Foster, Green of Clay, Harris, Hull, Jones, Kercheval, McCormick, McCutchen, Menard, Murphy of Vermilion, Otwell, Pace, Read, Roman, George Smith, Thomas of St. Clair, and Wood—29.

*Ordered*, That the Clerk inform the Senate thereof.

The message from the Senate refusing to concur in the amendments of the House to the Senate bill, entitled "An act to amend an act, entitled 'An act to amend the several acts in relation to common schools,'" was taken up; when,

On motion of Mr. Elkin,

The bill and amendments were laid on the table.

A message from the Senate, by Mr. Hackelton, a Senator:

"*Mr. Speaker*: I am directed to inform the House of Representatives that the Senate have concurred with them in the passage of the bill, entitled "An act to provide for the location of the county seat of Cass county." And then he withdrew.

The Senate bills, entitled "An act to amend an act, entitled 'An act establishing and regulating the inspection of tobacco in this State,'" and "An act to incorporate the Galconda Seminary," were severally three times read, and passed.

*Ordered*, That the titles of said bills be as aforesaid, and that the Clerk inform the Senate of the passage thereof.

Mr. Cloud, from the select committee to which was referred a bill for "An act concerning the school fund in township 13 north, of range 8 west," reported the same with an amendment; which was read and concurred in, and the bill

*Ordered* to be engrossed for a third reading.

The bill was afterwards read a third time, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk carry said bill to the Senate, and ask their concurrence therein.

A message from the Council of Revision, by their Secretary:

The Council of Revision have approved acts of the following titles, viz:

"An act making appropriations for the years 1839 and 1840;"

"An act authorizing the sale of certain school lands in Vermilion county;"

"An act to authorize the Governor to appoint bank directors;"

"An act to construct a turnpike road from Charleston to Darwin;"

"An act to amend an act, entitled 'An act to create the county of Bureau;"

"An act to establish the Marshal Female Seminary;"

"An act to define the term of office of the Commissioners of Public Works;"

"An act authorizing the improvement of the Big Muddy river;"

"An act to authorize Daniel F. Hitt to build a mill dam;"

"An act for the relief of John McMennaway, late sheriff of Macon county;"

"An act to add range one to the counties of Marshal and Putnam;"

"An act to establish the county of Hardin;"

"An act for the benefit of Jefferson county;"

"An act authorizing the county commissioners' court of Madison county to levy and collect a special tax;"

"An act for the relief of John Winstanly and Hugh Duffy;"

"An act for the formation of the county of Stark, and for other purposes;"

"An act to incorporate the town of Decatur;"

"An act to locate a State road from Bloomington to Lexington, in McLean county;"

"An act to locate and establish certain State roads in Peoria and Knox counties;"

"An act authorizing the sale of property in Hudsonville, and appropriating the avails thereof;"

"An act altering, in part, Archer's addition to Lockport;"

"An act to establish the Mississippi Ferry Company at Savannah, and for other purposes;" and

"An act to revive an act, entitled 'An act to incorporate the stockholders of the Randolph Manufacturing Company,' approved January 16, 1836."

A message from the Senate:

*Mr. Speaker:* The Senate have directed me to inform the House of Representatives of their concurrence with the House in the passage of the bill, entitled "An act to incorporate the Vandalia and Alton Turnpike Road Company."

They have also concurred in the passage of "An act for the relief of the clerks of the circuit courts of Sangamon, Clinton, Fayette, and Franklin counties," as amended by them.

In which amendments they ask the concurrence of the House of Representatives.

They have laid upon the table, until the fourth of July next, the bills from the House of Representatives, entitled "An act to incorporate the Chicago and Danville Railroad Company;" and "An act to distribute the school funds of the several counties in this State."

They have passed a bill for "An act to provide for an equitable payment of the interest on the school funds."

In the passage of which they ask the concurrence of the House of Representatives.

They recede from their amendments to the bill from the House of Representatives, entitled "An act authorizing the county commissioners' court to construct certain roads in Greene county."

Mr. Smith of Wabash, from the committee on Internal Improvements, to which were referred certain resolutions of the General Assembly of the State of Indiana, made the following report, which was read and concurred in:

The committee on Internal Improvements, to which was referred a communication from the Governor, transmitting a joint resolution of the General Assembly of Indiana on the subject of the connection of the Erie and Michigan canal of Indiana with the Illinois and Michigan canal of Illinois, report the following preamble and joint resolutions:

Whereas the States on the Atlantic, in common with those of the great interior of the West, feel a deep and common interest in the con-

struction of lines of intercommunication from the seaboard to the Mississippi river; and whereas the State of Indiana has embarked in carrying out these national enterprises with a magnanimity of design and efficiency of execution that reflects infinite credit on her State character; and whereas the State of Illinois views, with peculiar satisfaction, the liberality with which the State of Indiana has concurred in all the propositions made by Illinois to cement the bonds of union which should unite two States whose interests are so closely allied, by authorizing connections with her lines of improvements; therefore,

*Resolved by the General Assembly of the State of Illinois,* That the passage of the act of the General Assembly of Indiana, at their late session, (of which official information is received,) authorizing a connection of the Erie and Michigan canal of Indiana with the Illinois and Michigan canal of Illinois, thereby forming a continuous line of canal navigation from Lake Erie to the navigable waters of the Mississippi river, is recognized by this General Assembly as another magnanimous manifestation, on the part of Indiana, of her settled disposition to identify the best interests of the two States, and to promote their common and the national weal, and is most cheerfully reciprocated on the part of Illinois.

*Resolved,* That the Governor be requested to transmit a copy of this preamble and joint resolution to the Governor of Indiana, with a request to lay the same before the Legislature of that State.

Mr. Murphy of Cook, from the committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles, viz:

- "An act to provide for a relocation of a State road therein named;"
- "An act to quiet possessions and confirm titles to lands;"
- "An act to incorporate the Kaskaskia Manufacturing Company;"
- "An act to incorporate the Greene County Mutual Fire Insurance Company;"
- "An act to repeal an act concerning the State road from Vienna to Equality;"
- "An act to authorize the sale of the saline lands in Bond county;"
- "An act to establish a State road from Joseph Huey's, in Clinton county, to the northeast corner of Fayette county;"
- "An act to amend an act in relation to religious societies;"
- "An act to amend an act, entitled 'An act in relation to garnishees,' approved February 12, 1839;"
- "An act to protect the Cumberland road, and prevent trespasses;"
- "An act incorporate the Centre Bridge Company, at Ottawa;"
- "An act for the relief of Andrew Cochran and others;"
- "An act to incorporate the Rock Island Mutual Fire Insurance Company;"
- "An act to incorporate the town of Bloomington;"
- "An act to relocate the county seat of Winnebago county;"
- "An act fixing the time of holding the Supreme Court and the circuit courts in the first, sixth, seventh, eighth, and ninth circuits;"
- "An act to locate a State road from the dividing line between the counties of Vermilion and Iroquois, at the point where the Butterfield trace crosses said line;" and



"An act to locate and establish, and alter, change, and relocate State roads."

The Senate bill, entitled "An act to provide for an equitable payment of interest on the school funds," was twice read.

Mr. Robert Smith moved to amend, by striking out all that relates to banks, and providing that the State shall pay to the school fund eight per cent. per annum.

Mr. Thornton moved to lay the bill and amendment on the table until the 4th day of July; which was agreed to, by yeas and nays, on the call of Messrs. Jones and Robinson, as follow:

Those who voted in the affirmative, are,

Messrs. Aldrich, Allen of Franklin, Archer, Brown, Churchill, Craig, Dawson, Dubois, Elkin, Fisk, Gilham, Happy, Hardin, Henderson, Holmes, Huey, Hull, Kent, Kercheval, Lincoln, McCormick, Moore, Murphy of Cook, Murphy of Perry, Otwell, Rawalt, Roberts, Smith of Wabash, George Smith, Robert Smith, Thomas of McLean, Thomas of St. Clair, Thornton, Walker of Vermilion, Wood, and Mr. Speaker—36.

Those who voted in the negative, are,

Messrs. Allen of Greene, Carpenter, Cloud, Compher, Daley, Elliott, Foster, Gouge, Green of Clay, Green of Greene, Hankins, Harris, Henry, Johnson, Jones, Kerr, McWilliams, Marshall, Maus, Menard, Murphy of Vermilion, Pace, Read, Robinson, Roman, Stapp, and Williams—27.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Thornton moved to take up the bill, some time ago laid on the table, entitled "An act to increase the salaries of certain officers therein named;" which was not agreed to.

Mr. Pace, from the committee on Manufactures and Agriculture, to which was referred a communication from Philo Hale, Esq. reported the same, and asked to be discharged from the further consideration thereof; which was granted.

Mr. Murphy of Cook, from the committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles:

"An act to incorporate the Vandalia and Alton Turnpike Road Company;"

"An act to incorporate the town of Lacon, in Marshall county;"

"An act regulating evidence in certain cases;" and

"An act concerning the sale of real estate of deceased persons by executors and administrators in settling estates."

The Senate bill, entitled "An act to provide for the distribution of certain funds heretofore appropriated to certain counties for purposes of internal improvement," was read a second time, and,

On motion of Mr. Dawson,

Laid on the table.

*Ordered*, That the Clerk inform the Senate thereof.

The Senate bill, entitled "An act concerning public roads in Schuyler county," was read a third time, and passed.

*Ordered*, That the title of the bill be, as aforesaid, and that the Clerk inform the Senate of the passage thereof.

A message from the Senate, by Mr. Peck, a Senator:

*Mr. Speaker*: I am directed by the Senate to inform the House of

Representatives that they have receded from their amendments to the bill from the House of Representatives, entitled "An act to incorporate the Marshall Academy;" and, also, that they have receded from their amendment to the amendment of the House of Representatives, to the bill entitled "An act authorizing the settlement of the accounts of James Turney, late Attorney General."

And he withdrew.

A message from the Senate, by Mr. Hackleton, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that the Senate have concurred with them in the adoption of the resolutions proposing that the State of Illinois purchase, of the General Government, all the lands not sold or otherwise disposed of within the limits of this State.

And he withdrew.

And then the House adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Craig,

The following resolution was adopted.

Whereas, in the act passed creating the county of Lee from the county of Ogle, at the present session of the Legislature, N. Nichols, of Whiteside county, is named as one of the commissioners to locate the seat of justice for said county, when it should have been E. H. Nichols; therefore,

*Resolved by this General Assembly,* That the Secretary of State be, and he is hereby, authorized to substitute E. H. Nichols, instead of N. Nichols, in the enrolled bill in his office.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Thomas of St. Clair, from the select committee to which was referred a bill for "An act making certain appropriations on the western mail route, and for other purposes," reported the same with sundry amendments; which were read and concurred in.

The bill was then

*Ordered* to be engrossed for a third reading.

Mr. Moore moved the following amendment, which was not adopted:

"That each person between the ages of twenty-one and fifty years shall perform road labor, after being notified according to law, or shall forfeit and pay one dollar for each day so neglected to be performed, any law to the contrary notwithstanding."

The bill was then read a third time by its title, and passed.

On motion of Mr. Thomas of St. Clair,

The title was amended, so as to read, "An act to establish a company for manufactures."

*Ordered,* That the title of said bill be as aforesaid, that the Clerk carry the same to the Senate, and ask their concurrence in the passage thereof.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* The Senate have concurred with the House of Repre-

sentatives in their amendments to the Senate bills of the following titles, viz:

"An act authorizing a survey therein named;"

"An act to vacate and relocate a part of the State road leading from White's ferry to the Drowning fork of Crooked creek," and also in the title as amended;

"An act in relation to the county of Macon;"

"An act to incorporate the Amity Academy, in Bond county, and the Lebanon Female Academy in St. Clair county;"

"An act to amend an act, entitled 'An act to locate a State road from the Indiana line, northwest, in a direction to Mineral Point;'"

"An act to authorize the Governor to commission the sheriff of Schuyler county;"

"An act to incorporate the town of Bloomington;" and

"An act to authorize George W. Jones to establish a ferry from Jordan's ferry to Du Buque."

And he withdrew.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am direct to inform the House of Representatives that the Senate have concurred with them in the adoption of the "Joint resolution in relation to the proposed connection of certain canals of Indiana and Illinois."

And he withdrew.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they refuse to concur in their amendments to the Senate bill for "An act relating to the duties of county commissioners."

They have concurred with them in their amendments to the bills from the Senate, entitled as follow:

"An act supplemental to the act incorporating the Beardstown and Sangamon Canal Company;" and

"An act in relation to the town of Charleston."

They have concurred with the House of Representatives in the passage of bills of the following titles, viz:

"An act for the relief of Joseph L. Reynolds;"

"An act supplemental to an act, entitled 'An act to provide for certain improvements in Pike county;'"

"An act to authorize Hardin Porter and Eli Gholson to build a mill-dam, and for other purposes;" and

"An act concerning the school fund in township 13 north, of range 8 west."

They have indefinitely postponed the consideration of a bill from the House of Representatives for "An act to define the duties of investigating committees." And he withdrew.

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker:* The Senate have concurred with the House of Representatives in the passage of bills of the following titles, viz:

"An act for the improvement of the Little Wabash river, and for other purposes;" and

"An act to incorporate the seminaries of learning therein named," as

amended by them; in which amendments they ask the concurrence of the House of Representatives. And then he withdrew.

Mr. Murphy of Cook, from the committee on Enrolled Bills, reported, as correctly enrolled, the following bills:

"An act to establish a State road from Jameson's ferry, in Pope county, to Cape Girardeau;"

"An act to incorporate the Vandalia and Mississippi Turnpike Company;"

"An act authorizing the county commissioners' court to construct certain roads in Greene county;"

"An act to amend an act, entitled 'An act to encourage the killing of wolves,' approved February 15, 1837;"

"An act to incorporate the Franklin Academy;"

"An act to incorporate the town of Shelbyville;"

"An act to provide for the probate of wills in certain cases;"

"An act for the benefit of the counties therein named;"

"An act to establish a State road from Salem to Pinckneyville;"

"An act to provide for the location of the county seat of Cass county;"

"An act to incorporate the Marshall Academy;"

"An act to incorporate the Tazewell County Commercial and Fire Insurance Company;"

"An act fixing the northern termination of the Central railroad;"

"An act to incorporate the Winslow Bridge Company;"

"An act to fix the time of holding courts in the several counties composing the fifth judicial circuit;"

"An act to locate a State road from Belleville to Brownsville;"

"An act to incorporate the Wapello Manufacturing Company;" and

"An act to incorporate the Montebello Manufacturing Company."

And also that the bills, reported as correctly enrolled on yesterday and to-day, have been laid before the Council of Revision.

A message from the Council of Revision, by Mr. McLean, their Secretary:

*Mr. Speaker:* The Council of Revision have approved acts of the following titles:

- "An act to locate a State road from Nashville to Belleville;"

"An act extending the time to the Springfield and Alton Turnpike Road Company to complete said road;"

"An act to locate and establish a State road in the counties of Kane and De Kalb;"

"An act to establish a State road therein named;"

"An act to define the bounds of Boone county;"

"An act to authorize St. Clair county to establish a ferry across the Mississippi river;"

"An act to repeal an act, entitled 'An act to incorporate the town of Upper Alton;"

"An act to relocate the seat of justice of the county of De Kalb;"

"An act to quiet possessions and confirm titles to lands;"

"An act regulating evidence in certain cases;"

"An act to locate a State road in McLean and Tazewell counties;"

"An act concerning certain school funds in Wabash county;"

"An act declaring a certain county road, in McLean county, a State road;"

"An act to establish a State road in Alexander county;"

"An act to incorporate the northern division of the American bottom;"

"An act to incorporate the Bainbridge Academy, in Franklin county;"

"An act for the relief of Henry county;"

"An act to locate and establish, and alter, change, and relocate State roads;"

"An act to amend an act, entitled 'An act in relation to garnishees,' approved February 12, 1839;"

"An act to incorporate the town of Hennepin;"

"An act to incorporate the Mount Carmel Manufacturing Company;"

"An act to repeal an act concerning the State road from Vienna to Equality;"

"An act for the relief of Andrew Cochran and others;"

"An act to establish a State road from Joseph Huey's, in Clinton county to the northeast corner of Fayette county;

"An act to authorize the sale of the saline lands in Bond county;"

"An act to locate a State road from the dividing line between the counties of Vermilion and Iroquois, at the point where the Butterfield trace crosses said line;"

"An act to incorporate the Centre Bridge Company, at Ottawa;"

"An act to protect the Cumberland road, and prevent trespasses;"

"An act to amend an act in relation to religious societies;"

"An act to incorporate the Greene County Mutual Fire Insurance Company;"

"An act to incorporate the Warren County Male and Female Seminary;"

"An act to incorporate the Genesee Manual Labor High School;" and

"An act to provide for a relocation of a road therein named."

They have returned three several acts with their objections thereto, as follows:

The Council of Revision have had under consideration "An act making the office of school commissioner elective by the people," and return the same as improper to become a law, because the fifth section of the act repeals all laws and parts of laws authorizing the county commissioners to appoint school commissioners. This provision repeals the law creating the office of school commissioner, and, consequently takes from the present incumbents their powers as commissioners, and leaves an interregnum in the office, from the passage of the law until the first Monday in August next. This would probably be attended with injurious consequences, as the commissioners have important duties to perform, and some of them at short intervals.

They have also had under consideration "An act to amend the several acts concerning administrators and executors," and return the same as improper to become a law, for the following reasons: By authorizing an administrator or executor, appointed in another State, to sue for and receive debts due his testator or intestate in this State, without taking out letters of administration or giving security for the application of the money, it enables such executor, &c., to get possession of the proceeds

of an estate, without heirs or creditors having any security for the proper application of the money so received. Another objection is, that where no administrator or executor resides in this State, the creditors of the deceased residing in this State have no one against whom they can legally assert their demand; while the debtors of the deceased are liable to be sued by the foreign executor or administrator. We also object to the power which the act gives to remove apprentices from other States to this State, without their consent, or the consent of their parents or guardians.

The Council also return the "Act concerning the sale of real estate of deceased persons by executors and administrators in settling estates," for the reasons above assigned for the returning the "Act to amend the several acts concerning administrators and apprentices."

WILLIAM WILSON,  
THEO'S W. SMITH,  
THOMAS C. BROWNE,  
SAM'L D. LOCKWOOD.

The amendments of the Senate to the bills from the House of Representatives, entitled "An act to incorporate the seminaries of learning therein named;" and "An act for the improvement of the Little Wabash river, and for other purposes," were severally taken up, read, and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The message of the Senate, refusing to concur in the amendments of the House of Representatives to the bill from the Senate, entitled "An act relating to the duties of county commissioners," was taken up; when,

On motion of Mr. Murphy of Vermilion,

The House receded from its amendments.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Walker of Vermilion, from the select committee to which was referred a bill from the Senate for "An act to locate a State road from Shelbyville to Danville," reported the same with an amendment; which was read, and not concurred in.

On his motion, the bill was then laid on the table.

Mr. Murphy of Cook, from the committee on Enrolled Bills, reported, as correctly enrolled, the following bills:

"An act concerning the school fund in township 13 north, of range 8 west;"

"An act changing the name of the town of Florence, in White county;" and

"An act to incorporate the seminaries of learning therein named;"

A message from the Senate, by Mr. Bond, their Secretary:

*Mr. Speaker*: I am directed to inform the House of Representatives that the Senate have concurred with them in the adoption of the resolution from the House authorizing the Secretary of State to strike out the words "fifty fifth," and insert the words "forty-fifth," in the 12th section of an act therein mentioned.

They have also concurred with them in the adoption of the joint resolution adjourning this General Assembly on the fourth of March, at 9 o'clock, A. M.

They have also adopted the resolution from the House of Representatives, authorizing the Secretary of State to insert the name of E. H. Nichols, instead of N. Nichols, in an act therein named.

They have concurred with the House of Representatives in their amendments to the bill from the Senate for "An act to authorize the reprinting of certain laws of this State."

They have also concurred with them in the passage of a bill from the House of Representatives, entitled "An act to establish a company for manufactures."

They have also concurred with them in their amendments to the Senate bill, entitled "An act to improve the navigation of Spoon river."

And he withdrew.

The bills, entitled "An act to amend the several acts concerning administrators and apprentices;" and "An act concerning the sale of real estate of deceased persons by executors and administrators in settling estates," together with the objections of the Council of Revision thereto, were taken up, and,

On motion of Murphy of Vermilion,

Laid on the table.

The bill, entitled "An act making the office of school commissioner elective by the people," together with the objections of the Council of Revision thereto, was taken up.

Mr. Hardin moved to lay them on the table; which was not agreed to.

On motion of Mr. Moore,

They were referred to a select committee.

Ordered, That Messrs. Moore, R. Smith, and Hardin, be that committee.

Mr. Moore afterwards moved to dispense with the rule, and receive a report from the said select committee; which was objected to.

The question was taken thereon, by yeas and nays, as follow, on the call of Messrs. Marshall and Murphy of Cook.

Those who voted in the affirmative, are,

Messrs. Allen of Franklin, Allen of Greene, Brown, Carpenter, Churchill, Cloud, Compher, Cunningham, Daley, Dunn, Edmonston, Fisk, Foster, Gouge, Green of Clay, Green of Greene, Hankins, Happy, Hardin, Harris, Huey, Johnson, Kent, Kerr, McWilliams, Menard, Moore, Rawalt, Read, Robinson, Roman, Smith of Wabash, Robert Smith, Thomas of McLean, Thomas of St. Clair, Walker of Vermilion, Williams, and Mr. Speaker—38.

Those who voted in the negative, are,

Messrs. Aldrich, Archer, Craig, Dawson, Dubois, Gilham, Henderson, Henry, Holmes, Hull, Kercheval, McCutchen, Marshall, Murphy of Cook, Murphy of Vermilion, Otwell, Pace, George Smith, Thornton, and Wood—20.

There being no quorum voting, the question was not decided.

And then the House adjourned until Monday, 4th March, 1839, at 8 o'clock, A. M.

MONDAY, MARCH 4, 1839.

EIGHT O'CLOCK, A. M.

House met pursuant to adjournment.

Mr. Crain, from the committee on Engrossed Bills, reported, as correctly engrossed, a bill, entitled "An act to authorize Elizabeth Middleton to keep a ferry across the Kaskaskia river, on section 16, in township 1 south, range 5 west, and for other purposes."

A message from the Council of Revision, by Mr. Archer, a member of the House of Representatives:

*Mr. Speaker:* The Council of Revision have approved acts of the following titles, viz:

"An act to incorporate the Franklin Academy;"

"An act to incorporate the Illinois Insurance Company;"

"An act to authorize John Vandruff to establish a ferry across Rock river, at Vandruff's island;"

"An act to establish a State road from Salem to Pinkneyville;"

"An act to provide for the location of the county seat of Cass county;"

"An act to fix the time of holding courts in the several counties composing the fifth judicial circuit;"

"An act to incorporate the Marshal Academy;"

"An act to provide for the probate of wills in certain cases;"

"An act to locate a State road from Belleville to Brownsville;"

"An act to establish a State road from Jameson's ferry, in Pope county, to Cape Girardeau;"

"An act to incorporate the Winslow Bridge Company;"

"An act to authorize the county commissioners' court to construct certain roads in Greene county;"

"An act to establish a company for manufactures;"

"An act for the benefit of the counties therein named;"

"An act to incorporate the Tazewell County Commercial and Fire Insurance Company;"

"An act to incorporate the Wapello Manufacturing Company;"

"An act to incorporate the Vandalia and Alton Turnpike Road Company;"

"An act to vacate certain alleys in the town of Tremont;"

"An act to amend an act, entitled "An act to incorporate the city of Alton;"

"An act to incorporate the town of Shelbyville;"

"An act supplemental to an act, entitled "An act to provide for certain improvements in Pike county;"

"An act to authorize George W. Brinckerhoof and others to establish a ferry across Rock river;"

"An act to change the times of holding courts in the third judicial circuit in this State;"

"An act changing the name of the town of Florence, in White county;"

"An act concerning the school fund in township thirteen north, of range eight west;"



"An act for the improvement of the Little Wabash river, and for other purposes;"

"An act for the relief of Joseph L. Reynolds;"

"An act to incorporate the seminaries of learning therein named;"

"An act to authorize Hardin Porter and Eli Gholson to build a mill-dam, and for other purposes;" and

"An act fixing the northern termination of the Central railroad."

And then he withdrew.

On motion of Mr. Green of Clay,

The House then adjourned, *sine die*.

DAVID PRICKETT,

*Clerk of the House of Representatives.*



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